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HOUSE OF REPRESENTATIVES

SECOND SESSION OF THE FORTY-THIRD CONGRESS

1874-75.

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INDEX

TO

REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

SECOND SESSION OF THE FORTIETH CONGRESS,

1867-'68.

Volume 1, from No. 1 to No. 46.

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CIVIL SERVICE OF THE UNITED STATES.

[To accompany bill H. R. No. 948.]

MAY 25, 1868.—Ordered to be printed.*

Mr. JENCKES, from the Joint Select Committee on Retrenchment, submitted the following

REPORT.

The Joint Select Committee on Retrenchment, who were by a concurrent resolution of the two houses instructed to "consider the expediency of so amending the law under which appointments to the public service are now made, as to provide for the selection of subordinate officers after due examination by proper boards, their continuance in office during specified terms, unless dismissed upon charges preferred and sustained before tribunals designated for that purpose, and for withdrawing the public service from being used as an instrument of political or party patronage," beg leave to submit the following report:

Prior to the adoption of the Constitution of the United States, the civil service of the government included no other officers than those appointed by the Congress of the confederation. The entire civil administration was committed to the governments of the States and officials appointed by them. There were no government revenue laws, and no government revenue offices; nor were there any executive departments, with their chiefs and staff of clerks and force of employés. Upon the adoption of the Constitution, the power to create offices and to appoint officers of the United States, independent of those of the States, and superior to them, for the purposes of the general government, first came into being. This power was exercised at first cautiously and with great discrimination. Upon the organization of the government under the Constitution, the only civil officers recognized were those created by the Constitution, and the necessary officers for the transaction of the business of the first Congress. The first attempt to enlarge the number of civil officers in the exercise of the powers granted by the Constitution, was by the passage of "An act establishing an executive department to be denominated the Department of Foreign Affairs," passed July 27, 1789; and this act merely provided for the appointment of the head of that department, and a chief clerk. These two officers were then believed to be sufficient to transact all the business of the foreign relations of this government.

On the 31st of July, 1789, an act was passed "to regulate the collection of duties," which provided for a number of customs officers in the several districts which were declared to be ports of entry and ports of delivery, but the number of offices created by this act was less than 200.

The next act authorizing the appointment of civil officers is that establishing the Department of War, passed on the 7th of August, 1789, and this provided for two principal officers, and the possible appointment or employment of other subordinates. The acts "establishing light-houses" and "making provision for the coasting trade, and for the registering and clearing of vessels," implied the employment of additional officers, and in fact admitted into the service of the United States all those who had been employed under the authority of the

several States, for the purposes and in the capacities named in the acts of Congress.

The act establishing the Treasury Department, passed September 2, 1789, made provision for a Secretary of the Treasury, a Comptroller, an Auditor, a Treasurer, a Register, and an assistant to the Secretary of the Treasury; and the act immediately following it, of the 11th of September, 1789, authorized the heads of departments to "appoint such clerks therein, respectively, as they shall find necessary," but limited the salary of each of said clerks to the sum of \$500 per annum.

These were the small beginnings of the civil service of the United States. Under the administration of President Washington, the whole number of employés in the departments of the civil service was said by him to be "a mere handful," and the manner in which they were appointed, the great care which he took in the selection, and the personal supervision which he gave, as it was possible for a President then to do to all his appointees, will be referred to and shown by quotations from his correspondence and messages.

By the acts "establishing duties on distilled spirits, on carriages, on selling wines by retail, on properties sold at auction, on stamps, on snuff, and on other articles," and by the act of March 2, 1799, "regulating the collection of duties on imports and tonnage," the number of these offices was increased; but we have no authentic record of the number appointed and employed in each department until "the roll of the persons having appointment under the United States" was transmitted by President Jefferson to Congress on the 16th of February, 1802. So far as the committee have been able to ascertain, the small volume containing this "roll" is the first authentic publication of the names of the persons in the employment of the government of the United States. From this volume it appears that the total number of officers in the customs, or, as then called, "the external revenue," was 713, (less than the present force of the New York custom-house,) and their annual compensation amounted to \$439,567; the number of officers in the internal revenue was 493, and their compensation was \$113,000; the number of officers connected with the land office 8, and their annual compensation \$4,765 26; the number of postmasters, 994, with an annual compensation of \$69,900; while in all other departments of the civil establishment, including the officers at the seat of government and in the diplomatic service, there were 414 receiving annually a total of \$445,000.

These were the small beginnings of a service which now numbers more than 53,000 persons, and whose annual compensation amounts to about thirty millions of dollars.

No other authentic record of the persons employed in the civil service was published until after the second war with Great Britain. On the 27th of April, 1816, Congress passed a joint resolution requiring the Secretary of State to compile and print once in every two years a register of all officers and agents, civil, military, and naval, in the service of the United States; and the first attempt to comply with the requisitions of this joint resolution was published in the same year in a small octavo volume of 175 printed pages, which includes the names of all persons employed in the civil, postal, military, and naval departments of the United States. From that date we have registers published regularly in every second year, which have swollen from the small octavo volume of 190 pages published in 1817, containing 5,608 names, (including 3,502 deputy postmasters and 154 assistants or clerks in post offices,) to the Blue Book of 1867, which contains 878 large octavo pages and over 60,000 names.

By the Constitution and the acts of Congress passed in pursuance of the authority granted by the Constitution, the appointment of all these officers is vested in the President of the United States or in the heads of departments, or in the courts of law. The number actually authorized to be appointed by the

courts of law is very few, extending no further than to the officers of the several courts.

No person charged with the duty of making executive appointments was ever more careful in the selection of officers than President Washington. He was as solicitous about the character and qualifications of a person to be appointed in any of the custom-houses of the United States as if he was to be employed in his own household. He never inquired into the political opinions of any candidate for executive appointment. Private friendship was not only no recommendation to his favor, but was actually an obstacle to the appointment of any person claiming his favor for that reason. He was incapable of being swayed by political or private motives.

"My friend ———," he says in one of his letters, "I receive with cordial welcome to my house and welcome to my heart; but with all his good qualities he is not a man of business. His opponent, with all his politics so hostile to me, is a man of business. My private feelings have nothing to do with the case. I am not George Washington, *but* President of the United States. As George Washington, I would do this man any kindness in my power. As President of the United States, I can do nothing."

Persons appointed to office by a superior acting upon this principle were not considered subject to removal except for misconduct. During the eight years' administration of President Washington he removed but nine persons from office—six unimportant collectors, one district surveyor, one vice-consul, and one foreign minister. The last was Mr. Pinckney, who was recalled from Paris, not for any misconduct of his own, but because his principles and conduct were offensive to the then government of France—the Directory. "All the other dismissals were for cause." Under the administration of President Adams nine subordinate officers were removed, but none for political opinion's sake. One head of a department was removed for cause.

On the advent of President Jefferson to power, which was not only a change of administration but a change of party, and after one of the most violent and embittered political contests ever known, it was feared that he might use the power with which he was clothed to remove the subordinate officers of the government on account of their opposition to his election, and for political reasons alone. But he took an early opportunity to set himself right on this question before the country; and in a letter to Dr. Rush, written from Washington on the 24th of March, 1801, twenty days after his inauguration, he says, speaking of the obstacles which might "check the confidence" of the people in his administration:

The great stumbling block will be removals, which, though made on those just principles only on which my predecessors ought to have removed the same persons, will nevertheless be ascribed to removal on party principles.

Then, after describing the classes of persons over whom the power of removal might be exercised, he says:

Of the thousands of officers, therefore, in the United States, a very few individuals only, probably not twenty, will be removed, and those only for doing what they ought not to have done.

I know that in stopping thus short in the career of removal I shall give great offence to many of my friends. That torrent has been pressing me heavily, and will require all my force to bear up against; but my maxim is *fiat justitia, ruat cælum*.

In a letter written a few days after to General Knox, President Jefferson says:

I am aware of the necessity of a few removals for legal oppressions, delinquencies, and other malversations may be misconstrued as done for political opinions, would produce hesitation in the coalition so much to be desired; but the extent of these will be too limited to make permanent impressions.

And in his celebrated letter to the merchants of New Haven, dated July 12, 1801, he concludes by saying:

The only questions concerning a candidate shall be, is he honest? is he capable? is he faithful to the Constitution?

In the whole course of his administration, acting on the principles which he declared in his letter to Dr. Rush, President Jefferson removed but 39 persons; and he himself repeatedly and solemnly declared, and it has never been gainsaid, that not one of them was removed because he belonged to the party opposed to his own. The "thousands" of officers then in the civil service were less than *five*, and they now exceed *fifty*.

Mr. Madison made five removals; Mr. Monroe nine; Mr. John Quincy Adams two. Of course these removals were among the class of officers which required confirmation by the Senate; but if we should inquire concerning the inferior officers who are within the scope of the bill herewith reported, we should find that the number of removals was even less in proportion to the whole. These officers were selected with great care and for their fitness to discharge the duties required of them, and retained their places although their chiefs might be removed. The committee have inquired from the sources of information accessible, but have not learned of a single removal among this class of inferior officers, except for cause, from the commencement of the administration of President Washington to the accession of President Jackson.

The present system of appointment to office, which the proposed bill is an attempt to reform, commenced in the first month of the presidency of General Jackson. Down to this time all the offices in the civil service of the government had been considered to be held by the tenure of good behavior. No removals were made except for cause satisfactorily proved to the officer having the power of appointment. The following extract from a letter of General Dearborn, collector of the port of Boston, to Hon. W. H. Crawford, Secretary of the Treasury, in the year 1822, is an example of the care with which subordinate officers of the customs were selected and appointed, and an illustration of their fidelity and industry.

I have employed no more clerks than I found indispensably necessary to the prompt and correct discharge of the duties of the office. Their duties are constant and arduous, and every moment of their time is employed; in fact there has been so much labor for them that if motives of the most rigid economy had not governed, my feelings would have prompted me to increase the number. The duties of some are complicated, and of the highest responsibility, requiring clear heads, industrious habits, and the most honest exactness in the discharge of their duties. It is difficult to obtain characters well qualified for such stations, and the duties are so complicated and various, that it requires a long time to render them ready and useful.

The following description of the duties of General Dearborn's cashier is written by a person who has personally an accurate knowledge of the Boston custom-house:

The bond and debenture clerks were at that time paid the highest salaries. Among this number of competent and hard-working employés was Mr. Robert Farley, jr., the cashier, whose pay was but \$800 per annum. Mr. F. received his appointment in 1819, when quite young, being not more than 18, and for five years, besides receiving and paying out on an average about four millions of dollars yearly, he acted as book-keeper, the duties of the two positions involving a great amount of labor. In addition to this, an important portion of the accounts since 1815 had been neglected, the sum of \$2,800 in the impost had not been accounted for, and it devolved on him to journalize, post, and balance them for the four years previous to his appointment. It was a most laborious task, performed out of office hours, and taking him five long and weary years to accomplish it. He worked not only in the hours of daylight, but often far into the night, and confesses, that although he was fond of going to church, his practice was almost invariably to attend the afternoon service only, giving the forenoon of each Sunday to making up these back accounts.

From among the many descriptions received by the committee of the present condition of the custom-house service, we select the following, which we believe to be applicable to more than one of those institutions:

The revenue department of this government has been most shamefully maltreated, and by all political parties, as they have successively come into power. Its various institutions, instead of subserving the public interests as they should, have been converted into hospitals, alms-houses, political fortresses, and places of refuge, (if not refuse.) Instead of capable officers, honest, respectable and faithful, brawling politicians, broken-down hacks, and

imbecile persons have filled the places, through favoritism, nepotism, or corruption of some kind. The government has lavished its funds, and for the purpose of having its business faithfully transacted it has appropriated an ample amount for that object; but intrigue and favoritism have almost neutralized its legitimate and intended effects in several ways. Incompetent and inefficient men are foisted in; they constitute the corps of loafers, whose time hangs idle on their hands, and who are continually hovering about the industrious, and are serious obstacles to these. By means of personal influence, and plenty of time to wield it, they generally secure the fattest salaries, especially at a season when salaries are raised. Dishonest persons are another corps, embezzlers, speculators, corrupt or venal; these insinuate themselves into all branches as furtively as Ulysses managed to elude the searching hands of Polyphemus. Intemperate people also use the public fund, not for their families, but to distress and tantalize them. Partisans steeped in the elixir of ignorance disgrace the public books with their scrawling chirography, their blundering arithmetic, their dislocated orthography, and their downright assassination of grammar. The services of such seem to be venerated, and, therefore, they are very apt to sit in the highest places, and to be most richly remunerated for their actual impositions upon their great almoner, their direct employer. Nor is this all; they are generally the most strongly fortified in their positions, while the well qualified, quiet, faithful, unobtrusive incumbent is often the first to be removed—for what? To make room for a green hand, of course inexperienced, and perhaps unable to make good the vacancy at any time or by any discipline of training. This makes the official business limp, and perhaps inflicts serious damage upon it. Nor has the industrious, competent, faithful victim been removed from an easy and lucrative but from a decidedly laborious and meagerly paid station; and if it be too difficult for his inexperienced successor, the business will be diminished, or he will be provided with an assistant, or another will be appointed his substitute, while he is transferred to an easier, and very likely more lucrative, post.

But let me not weary you with my observations, which could be protracted almost *ad infinitum*. Suffice it to say that the government appropriates enough money to pay for the *aggregate* services rendered to it, but the appropriation is so unequally and unjustly distributed that they who do the most work and the best qualified get scanty salaries, while the sinecure, semi-sinecure, and ill-qualified drones realize large and altogether disproportionate compensation. It is so—truly so, incontrovertibly so, lamentably so. Very few do the work, and are poorly paid; they work in and out of hours, closely and incessantly; salaries small. Others have most of the day for yawning, gadding, spinning yarns to the annoyance of others, snapping beans or corn, and reading newspapers, or writing for them, to while away the official interval. Soon as the hour of three arrives they are off quick as a flock of ducks at the discharge of a gun. They reap largely at the month's end, while the workers, who have been employed during their neighbor's ennui, and who have been left behind, still plod on their drudgery, and at the end of the month receive but an unjust, a shameful pittance. Talk about injustice to factory operatives; the custom-house clerk who does the work of others that really receive the pay is as unjustly treated as the operative. There are two iniquities: the work is unequally distributed, and the pay is unequally distributed.

The change which commenced with the Presidency of General Jackson is too well known to need description, which is summed up in a single phrase, "to the victors belong the spoils." This means that the entire force of the civil service of the United States may be changed for mere political opinion, without any regard whatever to the qualifications or the meritorious services of the person in office or the person seeking office. The manner in which this change of policy was announced, in which it was received, and its effect upon the public service are well described, if not altogether impartially, in a recent biography of President Jackson, which is quoted in an appendix to this report, marked A.

From that time to the present, nearly forty years, the partisan obligations of the candidate for office have been held to be of more consequence than his qualifications for the place for which he is a candidate, and every administrative department of the government has been "used as an instrument of political or party patronage," the discontinuance of which system was one of the objects in view in the appointment of this committee.

The evil effects of this custom of discharging well-trained officers, and of appointing unskilled persons in their places, has been well described by the present head of the Treasury Department. Secretary McCulloch says:

The importance of *retaining tried and experienced clerks* can hardly be overrated, and the estimation in which such are held by business men is too often exemplified by their withdrawal from the department under the inducement of salaries offered them much greater than existing laws permit them to receive from the government. There have been 531 resignations since January, 1866, many of them by persons competent and of

considerable experience in their respective duties. Could ample salaries be paid and permanence of employment assured, independent of political questions, there could be no difficulty in organizing the department on a basis greatly superior in point of efficiency than any private establishment. *A single experienced clerk can often perform with ease duties that could be but indifferently discharged by several inexperienced persons.*

The assistant secretaries and heads of bureaus, charged by law with duties and responsibilities of the highest importance, are less *avored in respect to salary than bank-tellers and book-keepers in many private business houses.* The clerks, particularly those holding prominent positions, as chiefs of divisions, many of them directing the operations of numerous others, *receive at present little more than half the salary their services would command from private parties employing them in situations of like importance.* This is especially true in regard to the clerks in the Secretary's office, upon whose experience, judgment, and integrity the Secretary must necessarily in a great measure rely for aid in the performance of his multifarious duties.

For the cost of the present system in the internal revenue department, and of the change of an assessor, the committee refer to the report of the special commissioner of the revenue.

The committee, under the resolution directing their appointment, have made inquiries into the present condition of the administrative departments of the government and considered the remedies for the evil complained of, and present the bill herewith reported as best calculated to produce the desired result. The remedy proposed by this bill is not based upon conjecture, or inference, or concurrence of opinion; but upon the direct and positive testimony of the greater number of the chief officers in the civil service. The committee prepared a circular letter, embracing 37 questions, addressed to the principal officers in the civil service of the grade required to be confirmed by the Senate, who have under them subordinates of the class within the scope of this bill, and they have received answers to these questions from more than 450 of these superior officers. The circular letter propounding these questions is hereto annexed, marked Appendix B.

An abstract of these reports, showing the present condition of the greater portion of the civil service, as represented by its chief officers, will be found in Appendix L to this report.

Upon the more important questions, the testimony of the following named officers is presented:

N. Sargent, Commissioner of Customs, and others, in reply to circular of interrogations, Appendix C.

The adverse report of John M. Connell, assessor 12th district, Ohio, is given in full.

The opinions of the earlier Presidents and others upon the principles which should govern appointments to office, are given in extracts from their writings, Appendix D.

Abstracts of civil service in other countries:

China.....	Appendix E.
Prussia.....	Appendix G.
England.....	Appendix H.
France.....	Appendix I.

Also portions of a report made in the 39th Congress, Appendix K.

The committee also acknowledge the encouragement granted by the press to the advancement of this measure, and they submit extracts from articles in the North American Review, the National Quarterly Review, the Round Table, the Nation, the Chicago Tribune, the New York Tribune, the New York World, the Post and Advertiser of Boston, the New York Evening Post, and other papers and periodicals, Appendix F.

They also acknowledge the services of Mr. Julius Bing, in his co-operation with the committee in their researches into the systems of other countries, and in digesting the reports received from the officers of our own service, and for his efficient assistance in many other matters connected with the performance of their duties.

The phrase, "the civil service," is popularly used to designate all those persons in the employment of the government who are not in the military or naval service, and by whose labors the executive and administrative business of the country is carried on. This service now includes more than 50,000 officers, exclusive of that class which are required by law and by the Constitution to be confirmed by the Senate, and is more numerous than the whole force of the army and navy combined, as authorized by existing laws. About 30,000 of these are in the postal department, and the remainder--about 20,000--are within the scope of the proposed bill. They are employed in the various public offices in discharge of the public business throughout the United States.

This service is divided into several branches and subdivided into numerous grades. The great proportion of offices under the control of the Department of State are those which require confirmation of the appointees by the Senate, and the number of clerks and others employed in the proper duties of the department in Washington is insignificant. In the Department of the Treasury the number of officers is greater than in all the other departments combined. These officers are employed in a great diversity of duties; some in the collection of revenues from customs, some in the assessment and collection of the internal revenue, some in the care and keeping of light-houses, some in the coast survey, some in the office of the Treasurer of the United States, some in the office of the Register of the Treasury, many in the offices of the Auditors and Comptrollers of the Treasury, some in the Loan department, some in the office of the Comptroller of the Currency and the Bureau of Internal Revenue, the Bureau of Statistics, in the printing and issuing of the currency, in the revenue cutter service, in the inspection of steamboats and steam-boilers, in the special agencies, and as police and detectives, and as special agents in the Bureau of the Commissioner of Customs.

In the Department of the Interior there are also a variety of duties. In addition to the general staff of that department, there are in the General Land Office a large number of officers who have charge of the public business relating to the public lands; in the Patent Office, a number of persons skilled in technology, who decide upon the granting of patents for inventions; in the Indian Office, a large number of persons who transact the business connected with the various Indian tribes; in the Pension Office, those who attend to the granting of pensions to invalid soldiers and to the widows and children of those who have lost their lives in the service.

In the War Department there are all those who are employed in the Quartermasters' Department, the Subsistence Department, the Pay Department, the Surgeon General's Office, the Ordnance Office, the Freedmen's Bureau, the Adjutant General's Office, the Engineer's Office, and the bureaus who have charge of the Washington aqueduct and the public buildings. In the Navy Department there are all the clerks at Washington and those attached to the bureaus and commissions and employed at the navy yards throughout the country. In the Post Office Department are all the clerks at Washington and also in the principal post offices throughout the country.

The bill proposes to establish a board of commissioners who shall ascertain and determine the standard of qualification required for a candidate for each class and grade of these inferior offices, and provides that every such candidate shall pass a satisfactory examination in such manner as the board of commissioners shall require before being appointed to any of these places, and shall serve satisfactorily during the period of probation, the limit and conditions of which shall also be fixed by the board before he shall be entitled to a permanent place in the service. It is an attempt to require a certain degree of fitness in every candidate for the office which he wishes to hold, and to permit no one that does not possess the requisite qualifications to enter into the public service.

Ample powers are given to the commissioners to establish rules and regulations which shall govern the examinations and probations, and the admission of all candidates to the public service, and to eject from that service all who may be found deficient in these qualifications, or who may be inefficient or incompetent from any other cause.

APPENDIX A.

EXTRACT FROM PARTON'S LIFE OF JACKSON, VOL. III., PAGES 209-225.

Up to the hour of the delivery of General Jackson's inaugural address, it was supposed that the new President would act upon the principles of his predecessors. In his Monroe letters he had taken strong ground against partisan appointments, and when he resigned his seat in the Senate he had advocated two amendments to the Constitution designed to limit and purify the exercise of the appointing power. One of these proposed amendments forbade the re-election of a President, and the other the appointment of members of Congress to any office not judicial.

The sun had not gone down upon the day of his inauguration before it was known in all official circles in Washington that the "reforms" alluded to in the inaugural address meant a removal from office of all who had conspicuously opposed, and an appointment to office of those who had conspicuously aided, the election of the new President. The work was promptly begun. Figures are not important here, and the figures relating to this matter have been disputed. Some have declared that during the first year of the presidency of General Jackson 2,000 persons in the civil employment of the government were removed from office, and 2,000 partisans of the President appointed in their stead. This statement has been denied. It cannot be denied that in the first month of this administration more removals were made than had occurred from the foundation of the government to that time. It cannot be denied that the principle was now acted upon that partisan services should be rewarded by public office, though it involved the removal from office of competent and faithful incumbents. Colonel Benton will not be suspected of overstating the facts respecting the removals, but he admits that their number, during the year 1829, was 690. He expresses himself on this subject with less than his usual directness. His estimate of 690 does not include the little army of clerks and others who were at the disposal of some of the 690. The estimate of 2,000 includes all who lost their places in consequence of General Jackson's accession to power; and, though the exact number cannot be ascertained, I presume it was not less than 2,000. Colonel Benton says that of the 8,000 postmasters, only 491 were removed; but he does not add, as he might have added, that the 491 vacated places comprised nearly all in the department that were worth having. Nor does he mention that the removal of the postmasters of half a dozen great cities was equivalent to the removal of many hundreds of clerks, book-keepers, and carriers.

General Harrison, who had courteously censured General Jackson's course in the Seminole war, who had warmly defended his friend Henry Clay against the charge of bargain and corruption, was recalled from Colombia just four days after General Jackson had acquired the power to recall him. General Harrison had only resided in Colombia a few weeks when he received the news of his recall. A Kentuckian, who was particularly inimical to Mr. Clay, was sent out to take his place.

The appointment of a soldier so distinguished as General Harrison to represent the United States in the infant republic of Colombia was regarded by

the Colombians as a great honor done them, and an emphatic recognition of their disputed claim to a place among the nations. A purer patriot, a worthier gentleman, than General William Henry Harrison has not adorned the public service of his country. His singular merits as a scholar, as a man of honor, as a soldier, and as a statesman, were only obscured by the calumny and eulogium incident to a presidential campaign. My studies of the Indian affairs of the country have given me the highest idea of his valor, skill, and humanity.

Samuel Swartwout was among the expectants at Washington—an easy, good-natured man, most inexact, and even reckless, in the management of business; the last man in the whole world to be intrusted with millions. He had hopes of the collectorship of New York. On the 14th of March he wrote to his friend Jesse Hoyt, to let him know how he was getting on, and to give Hoyt the benefit of his observations, Hoyt himself being a seeker.

I hold to your doctrine fully, (wrote Swartwout,) that no d——d rascal who made use of his office or its profits for the purpose of keeping Mr. Adams in and General Jackson out of power is entitled to the least lenity or mercy, save that of hanging. So we think both alike on that head. Whether or not I shall get anything, in the general scramble for plunder, remains to be proven; but I rather guess I shall. What it will be is not yet so certain; perhaps keeper of the Bergen light-house. I rather think Massa Pomp stands a smart chance of going somewhere, perhaps to the place you have named, or to the devil. Your man, if you want a place, is Colonel Hamilton, he being now the second officer in the government of the Union, and in all probability our next President. Make your suit to him, then, and you will get what you want. I know Mr. Ingham slightly, and would recommend you to push like a devil if you expect anything from that quarter. I can do you no good in any quarter of the world, having mighty little influence beyond Hoboken. The great goers are the new men, the old troopers being all spavined and ring-boned from previous hard travel. I've got the bots, the fetlock, hip-joint, gravel, halt, and founders, and I assure you if I can only keep my own legs I shall do well; but I'm darned if I can carry any weight with me. When I left home I thought my nag sound and strong, but the beast is rather broken down here. I'll tell you more about it when I see you in New York. In seriousness, my dear sir, your support must come from Mr. Van Buren and Mr. Colonel Hamilton. I could not help you any more than your clerk.

The President, distracted with the number of applications for the New York collectorship, and extremely fond of the man who had "pushed like a devil" a quarter of a century before at Richmond, gave Swartwout the place. Upon his return to New York his proverbial good-nature was put to a severe test, for the applicants for posts in the custom-house met him at every turn, crowded his office, invaded his house, and stuffed his letter-box. There was a general dismissal of Adams men from the New York custom-house, and the new appointments were made solely on the ground that the applicants had aided the election of General Jackson.

Henry Lee was appointed to a remote foreign consulship, a place which he deemed beneath his talents, and an inadequate reward for his services. He would have probably obtained a better place but for the fear that the Senate would reject the nomination. The Senate did reject his nomination even to the consulship, and by such a decided majority that nothing could be done for him. Even Colonel Benton voted against him. Lee, I may add, died soon after in Paris, where he wrote part of a history of the Emperor Napoleon.

Terror, meanwhile, reigned in Washington. No man knew what the rule was upon which removals were made. No man knew what offences were reckoned causes of removal, nor whether he had or had not committed the unpardonable sin. The great body of officials awaited their fate in silent horror, glad when the office hours expired at having escaped another day.

The gloom of suspicion (says Mr. Stansbury, himself an office-holder) pervaded the face of society. No man deemed it safe and prudent to trust his neighbor, and the interior of the department presented a fearful scene of guarded silence, secret intrigue, espionage, and tale-bearing. A casual remark dropped in the street would, within an hour, be repeated at headquarters; and many a man received unceremonious dismissal who could not, for his life, conceive or conjecture wherein he had offended.

At that period, it must be remembered, to be removed from office in the city of Washington was like being driven from the solitary spring in a wide expanse of desert. The public treasury was almost the sole source of emolument. Salaries were small, the expenses of living high, and a few of the officials had made provision for engaging in private business, or even for removing their families to another city. No one had anticipated a necessity of removal. Clerks, appointed by the early Presidents, had grown gray in the service of the government, and were so habituated to the routine of their places that, if removed, they were beggared and helpless.

An old friend of General Jackson was in Washington this summer. He wrote on the 4th of July to a friend :

I have seen the President, and have dined with him, but have had no free communication or conversation with him. The reign of this administration—I wish another word could be used—is in very strong contrast with the mild and lenient sway of Madison, Monroe, and Adams. To me it feels harsh ; it seems to have had an unhappy effect on the free thoughts and unrestrained speech which have heretofore prevailed. I question whether the ferretting out treasury rats and the correction of abuses are sufficient to compensate for the reign of terror which appears to have commenced. It would be well enough if it were confined to evil-doers, but it spreads abroad like a contagion : spies, informers, denunciations—the fecula of despotism. Where there are listeners there will be tale-bearers. A stranger is warned by his friend on his first arrival to be careful how he expresses himself in relation to any one or anything which touches the administration. I had hoped that this would be a national administration, but it is not even an administration of a party. Our republic henceforth will be governed by factions, and the struggle will be who shall get the offices and their emoluments—a struggle embittered by the most base and sordid passions of the human heart.

So numerous were the removals in the city of Washington that the business of the place seemed paralyzed. In July, a Washington paper said :

Thirty-three houses which were to have been built this year have, we learn, been stopped in consequence of the unsettled and uncertain state of things now existing here ; and the merchant cannot sell his goods or collect his debts from the same cause. We have never known the city to be in a state like this before, though we have known it for many years. The individual distress, too, produced in many cases by the removal of the destitute officers is harrowing and painful to all who possess the ordinary sympathies of our nature, without regard to party feeling. No man, not absolutely brutal, can be pleased to see his personal friend or neighbor suddenly stripped of the means of support, and cast upon the cold charity of the world without a shelter or a home. Frigid and insensible must be the heart of that man, who could witness some of the scenes that have lately been exhibited here, without a tear of compassion or a throb of sympathy. But what is still more to be regretted is that this system, having been once introduced, must necessarily be kept up at the commencement of every presidential term ; and he who goes into office, knowing its limited and uncertain tenure, feels no disposition to make permanent improvements or to form for himself a permanent residence. He therefore takes care to lay up what he can during his brief official existence, to carry off to some more congenial spot, where he means to spend his life or re-enter into business. All, therefore, that he might have expended in city improvements is withdrawn, and the revenue of the corporation, as well as the trade of the city, is so far lessened and decreased. It is obviously a most injurious policy as it respects the interests of our city. Many of the oldest and most respectable citizens of Washington, those who have adhered to its fortunes through all their vicissitudes, who have “grown with its growth and strengthened with its strength,” have been cast off to make room for strangers, who feel no interest in the prosperity of our infant metropolis, and who care not whether it advances or retrogrades.

As an illustration of the state of things in Washington at this time, I will here transcribe the story of Colonel T. L. McKinney, for many years the honest and capable Superintendent of Indian Affairs, appointed to that office by Mr. Monroe.

Some time after General Jackson had been inaugurated, the Secretary of War, Major Eaton, inquired of me *if I had been to see the President?* I said I had not. “Had you not better go over?” “Why, sir?” I asked. “I have had no official business to call me there, nor have I now ; why should I go?” “You know, in these times,” replied the Secretary, “it is well to cultivate those personal relations which will go far toward securing the good will of one in power”—and he wound up by more than intimating that the President had heard some things in disparagement of me ; when I determined forthwith to go and see him, and ascertain what they were. On arriving at the door of the President’s House, I was answered by the doorkeeper that the President was in, and having gone to report me, returned, say-

ing the President would see me. On arriving at the door, it having been thrown open by the doorkeeper, I saw the President very busily engaged writing, and with great earnestness; so much so, indeed, that I stood for some time before he took his eyes off the paper, fearing to interrupt him, and not wishing to seem intrusive. Presently he raised his eyes from the paper, and at the same time his spectacles from his nose, and, looking at me, said: "Come in, sir, come in." "You are engaged, sir?" "No more so than I always am, and always expect to be," drawing a long breath, and giving signs of great uneasiness.

I had just said, "I am here, sir, at the instance of the Secretary of War," when the door was thrown open, and three members of Congress entered. They were received with great courtesy. I rose, saying: "You are engaged, sir; I will call when you are more at leisure;" and bowed myself out. On returning to my office, I addressed a note to the President of the following import: "Colonel McKinney's respects to the President of the United States, and requests to be informed when it will suit his convenience to see him?" to which Major Donelson replied: "The President will see Colonel McKinney to-day, at 12 o'clock." I was punctual, and found the President alone. I commenced by repeating what I had said at my first visit, that I was there at the instance of the Secretary of War, who had more than intimated to me that impressions of an unfavorable sort had been made upon him with regard to me; and that I was desirous of knowing what the circumstances were that had produced them. "It is true, sir," said the President, "I have been told things that are highly discreditable to you, and which have come to me from such sources as to satisfy me of their truth." "Very well, sir, will you do me the justice to let me know what these things are that you have heard from such respectable sources?" "You know, Colonel McKinney, I am a candid man"—"I beg pardon, sir," I remarked, interrupting him, "but I am not here to question that, but to hear charges, which it appears have been made to you, affecting my character, either as an officer of the government or a man." "Well, sir," he resumed, "I will frankly tell you what these charges are, and, sir, they are of a character which I can never respect." "No doubt of that, sir; but what are they?" "Why, sir, I am told, and on the best authority, that you were one of the promoters of that vile paper, *We the People*, as a contributor toward establishing it, and as a writer afterwards, in which my wife Rachel was so shamefully abused. I am told, further, on authority no less respectable, that you took an active part in distributing, under the frank of your office, the '*coffin handbills*;' and that, in your recent travels, you largely and widely circulated the militia pamphlet." Here he paused, crossed his legs, shook his foot, and clasped his hands around the upper knee, and looked at me as though he had actually convicted me and prostrated me; when, after a moment's pause, I asked: "Well, sir, what else?" "Why, sir," he answered, "I think such conduct highly unbecoming in one who fills a place in the government such as you fill, and very derogatory to you, as it would be to any one who should be guilty of such practices." "All this," I replied, "may be well enough; but I request to know if this is all you have heard, and whether there are any more charges." "Why, yes, sir, there is one more: I am told your office is not in the condition in which it should be." "Well, sir, what more?" "Nothing, sir; but these are all serious charges, sir." "Then, sir, these comprise all?" "They do, sir." "Well, general," I answered, "I am not going to reply to all this, or to any part of it, with any view to retaining my office; nor do I intend to reply to it at all, *except under the solemnity of an oath*;" when I threw up my hand toward heaven, saying, "*The answers I am about to give to these allegations I solemnly swear shall be the truth, the whole truth, and nothing but the truth.*" My oath, sir, is taken, and is, no doubt, recorded." He interrupted me, by saying, "You are making quite a serious affair of it." "It is, sir, what I mean to do," I answered.

"Now, sir, in regard to the paper called '*We the People*,' I never did, directly or indirectly, either by my money or by my pen, contribute toward its establishment or its continuance. I never circulated one copy of it, more or less; nor did I subscribe for a copy of it, more or less; nor have I ever, to the best of my knowledge and belief, handled a copy of it; nor have I ever seen but two copies, and these were on the table of a friend, among other newspapers. So much for that charge.

"In regard to the '*coffin handbills*,' I never circulated any, either under the frank of my office or otherwise, and never saw but two, and am not certain that I ever saw but one, and that some fool sent me, under cover, from Richmond, in Virginia, and which I found on my desk, among other papers, on going to my office; and which, on seeing what it was, I tore up and threw aside among the waste paper, to be swept out by my messenger. The other, which I took to be one of these bills, but which might have been an account of the hanging of some convict, I saw some time ago pendent from a man's finger and thumb, he having a roll under his arm as he crossed Broadway, in New York. So much for the coffin handbills.

"As to the 'militia pamphlet,' I have seen reference made to it in the newspapers, it is true, but I have never handled it, have never read it, or circulated a copy or copies of it, directly or indirectly.

"And now, sir, as to my office: That is my monument; its records are its inscriptions. Let it be examined; and I invite a commission for that purpose. Nor will I return to it to put a paper in its place, should it be out of place, or in any other way prepare it for the ordeal; and if there is a single flaw in it, or any just ground for complaint, either on the

part of the white or the red man, implicating my capacity, my diligence, or want of due regard to the interests of all having business with it, including the government, then, sir, you shall have my free consent to put any mark upon me you may think proper, or subject me to as much opprobrium as shall gratify those who have thus abused your confidence by their secret attempts to injure me."

"Colonel McKinney," said the general, who had kept his eyes upon me during the whole of my reply, "I believe every word you have said, and am satisfied that those who communicated to me those allegations were mistaken." "I thank you, sir," I replied, "for your confidence; but I am not satisfied. I request to have my accusers brought up, and that I may be allowed to confront them in your presence." "No, no, sir," he answered; "I am satisfied. Why then push the matter any further?" when, rising from his chair, he took my arm, and said: "Come, sir; come down, and allow me to introduce you to my family." I accompanied him, and was introduced to Mrs. Donaldson, Major Donaldson, and some others who were present, partook of the offering of a glass of wine, and retired.

The next morning, I believe it was, or, if not the next, some morning not far off, a Mr. R-b-s-n, a very worthy, gentlemanly fellow, and well known to me, came into my office. "You are busy, colonel," he said, as he entered. "No, sir; not very," I replied. "Come in; I have learned to write and talk, too, at the same time. Come in; sit down; I am glad to see you." Looking round the office, the entire walls of which I had covered with portraits of Indians, he asked, pointing to the one that hung over my desk: "Who is that?" "Red Jacket," I answered. "And that?" "Shin-guab-O'Wassin," I replied; and so he continued. He then asked: "Who wrote the treaties with the Indians, and gave instructions to commissions, and, in general, carried on the correspondence of the office?" "These are within the circle of my duties, the whole being under a general supervision of the Secretary of War," I answered. "Well, then," after a pause, he said, "the office will not suit me." "What office?" I asked. "This," he replied. "General Jackson told me, this morning, it was at my service; but before seeing the Secretary of War, I thought I would come and have a little chat with you first." I rose from my chair, saying: "Take it, my dear sir, take it. The sword of Damocles has been hanging over my head long enough." "No," said he, "it is not the sort of place for me; I prefer an Auditor's office, where forms are established." This worthy citizen had, in the fulness of his heart, doubtless, and out of pure affection for General Jackson, made that distinguished personage a present of the pair of pistols which General Washington had carried during the war of the Revolution.

Colonel McKinney retained his office some time longer, because the Secretary of War assured the President that its duties were complex and numerous, and could not be discharged by a person inexperienced in Indian affairs. He tells us, however, that he was kept in constant suspense, and had occasionally an ominous warning:

My chief clerk, Mr. Hambleton, came into my room one morning, soon after I had taken my seat at my table, and putting his hands upon it, leaned over. I looked up, and saw his eyes were full of tears! To my question, "Is anything the matter, Mr. Hambleton?" "Yes, sir; I am pained to inform you that you are to be displaced to-day! We all feel it. Our connection has been one of unbroken harmony, and we are grieved at the thought of a separation. The President has appointed General Thompson, a member of Congress, of Georgia. He boards at my mother's, and I have it from himself. He says I shall remain, but the rest of the clerks he shall dismiss, to make room for some of the President's friends." "Well, Mr. H.," I replied, "it is what I have been constantly looking for. Your annunciation does not at all surprise me; indeed, it puts an end to my suspense, and, apart from the pain of leaving you all, and the thought that others are to be cut adrift as well as myself, I feel relieved." He walked a few times across my room, and then retired to his, which joined mine. Two hours after I heard walking and earnest talking in the passage; they continued for half an hour. When they ceased, Mr. Hambleton came into my room, his face all dressed in smiles, saying, "It is not to be!" "What is not to be?" "You are not to go out. When General Thompson came to the Secretary this morning, with the President's reference to him, to assign him to your place, he was told before he could act he (the Secretary) must see the President. The result of the Secretary's interview with the President was, you were to be retained, and General Thompson is referred back to the President for explanation. Thompson is in a rage about it."

Another illustrative anecdote, which, though it may not be wholly true, is so like others that are known to be so, that I venture to think it is at least founded in fact. A member of Congress appointed to a foreign mission consulted the President as to the choice of a secretary of legation. The President declined all interference, and remarked to the minister that the United States government would hold him responsible for the manner in which he discharged his duties, and that he would, consequently, be at liberty to choose his own secretary. The minister returned his acknowledgment, but before taking leave sought his

advice in regard to a young gentleman then in the State Department, and who was highly recommended by the Secretary. General Jackson promptly said: "I advise you, sir, not to take the man; he is not a good judge of preaching." The minister observed that the objection needed explanation. "I am able to give it," said the general, and he thus continued:

On last Sabbath morning I attended divine service in the Methodist Episcopal church in this city. There I listened to a soul-inspiring sermon by Professor Durbin, of Carlisle, one of the ablest pulpit orators in America. Seated in a pew near me I observed this identical young man, apparently an attentive listener. On the day following, he came into this chamber on business, when I had the curiosity to ask his opinion of the sermon and the preacher; and what think you, sir? The young upstart, with consummate assurance, pronounced that sermon all froth, and Professor Durbin a humbug. I took the liberty of saying to him: "My young man, you are a humbug yourself, and don't know it." "And now," continued the old man, "rest assured, my dear sir, that a man who is not a better judge of preaching than that is unfit to be your companion; and besides," he added, "if he were the prodigy the Secretary of State represents him to be, he would be less anxious to confer his services upon you; he would rather be anxious to retain them himself."

As a general rule the dismissal of officers was sudden and unexplained. Occasionally, however, some reason was assigned. Major Eaton, for example, dismissed the chief clerk of the War Department in the terms following:

Major ———: The chief clerk of the department should, to his principal, stand in the relation of a confidential friend. Under this belief I have appointed Doctor Randolph, of Virginia. I take leave to say, that since I have been in this department nothing in relation to you has transpired to which I would take the slightest objection, nor have I any to suggest.

These facts will suffice to show that the old system of appointments and removals was changed upon the accession of General Jackson to the one in vogue ever since, which Governor Marcy completely and aptly described when he said that to the victors belong the spoils. Some of the consequences of this change are the following:

1. The government, formerly served by the *élite* of the nation, is now served to a very considerable extent by its refuse. That at least is the tendency of the new system, because men of intelligence, ability, and virtue universally desire to fix their affairs on a basis of permanence. It is the nature of such men to make each year do something for all the years to come. It is their nature to abhor the arts by which office is now obtained and retained. In the year of our Lord 1859, the fact of a man's holding office under the government is presumptive evidence that he is one of three characters, namely, an adventurer, an incompetent person, or a scoundrel. From this remark must be excepted those who hold offices that have never been subjected to the spoils system, or offices which have been "taken out of politics."

2. The new system places at the disposal of any government, however corrupt, a horde of creatures in every town and county, bound, body and soul, to its defence and continuance.

3. It places at the disposal of any candidate for the presidency, who has a slight prospect of success, another horde of creatures in every town and county bound to support his pretensions. I once knew an apple woman in Wall street who had a personal interest in the election of a President. If *her* candidate gained the day, her "old man" would get the place of porter in a public warehouse. The circle of corruption embraces hundreds of thousands.

4. The spoils system takes from the government employé those motives to fidelity which in private life are found universally necessary to secure it. As no degree of merit whatever can secure him in his place, he must be a man of heroic virtue who does not act upon the principle of getting the most out of it while he holds it. Whatever fidelity may be found in officeholders must be set down to the credit of unassisted human virtue. In a word, the spoils system renders pure, decent, orderly, and democratic government impossible. Nor has any government of modern times given such a wonderful proof of inherent strength as is afforded by the fact that this government, after 30 years of rotation, still exists.

At whose door is to be laid the blame of thus debauching the government of the United States? It may perhaps be justly divided into three parts: First, Andrew Jackson, impelled by his ruling passions, resentment, and gratitude, *did* the deed. No other man of his day had audacity enough. Secondly, the example and the politicians of New York furnished him with an excuse for doing it. Thirdly, the original imperfection of the governmental machinery seemed to necessitate it. As soon as King Caucus was overthrown the spoils system became almost inevitable, and perhaps General Jackson only precipitated a change which sooner or later must have come.

While the congressional caucus system lasted, confining the sphere of intrigue to the city of Washington, politicians did not much want the aid of the remote subordinate employés of the government. But when the area of President-making was extended so as to embrace the whole nation, every tidewaiter, constable, porter, and postmaster could lend a hand. Well, then, do not burst with virtuous rage until you have duly reflected upon the fact, too well known, that the average disinterested voter can only with difficulty be induced even to take the trouble to go to the polls and deposit his vote. Without the stimulus of interested expectation how is the work of a presidential campaign be got done? Who will paint the flags, and pay for the Roman candles, and print the documents, and supply the stump? The patriotic citizen, do you answer? Why does he not do it, then?

The spoils system, we may hope, however, has nearly run its course. It is already well understood that every service in which efficiency is indispensable must be *taken out of politics*; and this process, happily begun in some departments of municipal government, will assuredly continue. The first century of the existence of a nation, which is to last 30 centuries or more, should be merely regarded in the light of the "Great Republic's" experimental trip. A leak has developed itself. It will be stopped.

The course of the administration, with regard to removals, excited a clamor so loud and general as to inspire the opposition with new hopes. The old federalists who had aided to elect General Jackson were especially shocked. Occasionally, too, the officers removed did not submit to decapitation in silence. The most remarkable protest published at the time was from the wife of one of the removed, Mrs. Barney, a daughter of the celebrated Judge Chase. Her husband's case was one of peculiar hardship, and she narrated it with the eloquence of sorrow and indignation:

My husband, sir, never was your enemy. In the overflowing patriotism of his heart, he gave you the full measure of his love for your military services. He preferred Mr. Adams for the presidency, because he thought him qualified, and you unqualified, for the station. He would have been a traitor to his country, he would have had even my scorn, and have deserved yours, had he supported you under such circumstances. He used no means to oppose you. He did a patriot's duty in a patriot's way. For this he is proscribed—*punished*! Oh! how punished! My heart bleeds as I write! Cruel sir! Did he commit any offence worthy of punishment against God or against his country, or even against you? Blush while you read this question; speak not, but let the crimson negative mantle on your cheek! No, sir; on the contrary, it was one of the best acts of his life. When he bared his bosom to the hostile bayonets of his enemies he was not more in the *line of his duty* than when he voted against you; and had he fallen a martyr on the field of fight he would not more have deserved a monument than he now deserves for having been worse than martyred in support of the dearest privilege and chartered right of American freemen.

Careless as you are about the effects of your conduct, it would be idle to inform you of the depth and quality of that misery which you have worked in the bosom of my family, else would I tell a tale that would provoke sympathy in anything that had a heart, or gentle drops of pity from every eye not accustomed to look upon scenes of human cruelty with composure. Besides, you were apprised of our poverty; you knew the dependence of eight little children for food and raiment upon my husband's salary. You knew that, advanced in years as he was, without the means to prosecute any regular business, and without friends able to assist him, the world would be to him a barren heath, an inhospitable wild. You were able, therefore, to anticipate the heart-rending scene which you may now realize as the sole work of your hand.

The sickness and debility of my husband now calls upon me to vindicate his and his chil-

dren's wrongs. The natural timidity of my sex vanishes before the necessity of my situation, and a spirit, sir, as proud as yours, although in a female bosom, demands justice. At your hands I ask it. Return to him what you have rudely torn from his possession; give back to his children their former means of securing their food and raiment. Show that you can relent, and that your rule has had at least one exception.

The severity practiced by you in this instance is heightened because accompanied by a breach of your faith, solemnly pledged to my husband. He called upon you, told you frankly that he had not voted for you. What was your reply? It was, in substance, this: "That every citizen of the United States had a right to express his political sentiments by his vote; that no charges had been made against Major Barney. If any should be made, he should have justice done; he should not be condemned unheard." Then, holding him by the hand, with apparent warmth, you concluded, "Be assured, sir, I shall be particularly cautious how I listen to assertions of applicants for office!"

With these assurances from you, sir, the President of the United States, my husband returned to the bosom of his family. With these rehearsed, he wiped away the tears of apprehension. The President was not the monster he had been represented. They would not be reduced to beggary—haggard want would not be permitted to enter the mansion where he had always been a stranger. The husband and the father had done nothing in violation of his duty as an officer. If any malicious slanderer should arise to pour his poisonous breath into the ears of the President, the accused would not be condemned unheard, and his innocence would be triumphant. They would still be happy.

It was presumable also, that, possessing the confidence of three successive administrations, (whose testimony in his favor I presented to you,) he was not unworthy the office he held. Besides, the signature of a hundred of our first mercantile houses established the fact of his having given perfect satisfaction in the manner he transacted the business of his office.

In this state of calm security, without a moment's warning—like a clap of thunder in a clear sky—your dismissal came; and, in a moment, the house of joy was converted into one of mourning. Sir, was not this the refinement of cruelty? But this was not all. The wife whom you thus agonized drew her being from the illustrious Chase, whose voice of thunder early broke the spell of British allegiance. When in the American Senate, he swore, by Heaven, that he owed no allegiance to the British Crown; one, too, whose signature was broadly before your eyes, affixed to the charter of our independence. The husband and the father whom you have thus wronged was the first-born son of a hero, whose naval and military renown brightens the pages of your country's history from 1776 to 1815, with whose achievements posterity will not condescend to compare yours, for he fought amidst greater dangers, and he fought for independence. By the side of that father, in the second British war, fought the son, and the glorious 12th of September bears testimony to his unshaken intrepidity. A wife, a husband, thus derived—a family of children drawing their existence from this double-revolutionary fountain—you have recklessly, causelessly, perfidiously, and therefore inhumanly, cast helpless and destitute upon the icy bosom of the world; and the children and the grandchildren of Judge Chase and Commodore Barney are poverty-stricken upon the soil which owes its freedom and fertility (in part) to their heroic patriotism.

The reader ought to be informed, I think, that his friend and benefactor, Major Lewis, opposed this fatal removal policy from the beginning to the end. "In relation to the principle of rotation," he once wrote to General Jackson,

I embrace this occasion to enter my solemn protest against it—not on account of my office, but because I hold it to be fraught with the greatest mischief to the country. If ever it should be carried out *in extenso*, the days of this republic will, in my opinion, have been numbered, for whenever the impression shall become general that the government is only valuable on account of its offices, the great and paramount interest of the country will be lost sight of, and the government itself ultimately destroyed. This, at least, is the honest conviction of my mind with regard to these novel doctrines of rotation in office.

APPENDIX B.

JOINT SELECT COMMITTEE ON RETRENCHMENT.

To ———.

SIR: You will please answer, in writing, the following questions, at your earliest convenience, and return your answers (with such comments on the condition of the civil service, and the best method of making it more effectual, as you may see fit to add) to the undersigned, one of the members of said committee on the part of the House of Representatives.

Respectfully, yours,

T. A. JENCKES,
For Sub-Committee on the Civil Service.

Concurrent resolution of the two houses, passed by the 39th Congress, in July, 1866.

Whereas the financial condition of the United States demands the exercise of a rigid economy in all departments of the government, in order to sustain the credit of the nation and to relieve the people at the earliest possible day from the burden of excessive taxation; and whereas there is reason to believe that in many departments of the service abuses have for a long time existed, and still exist, in the perpetuation of useless offices and sinecures, in extravagant salaries and allowances, and in other unnecessary and wasteful expenditures: Therefore,

Resolved by the Senate and House of Representatives, That a joint select committee be appointed, to consist of three members of the Senate and five members of the House, to be styled "the Joint Select Committee on Retrenchment;" that said committee be instructed to inquire into the expenditures in all the branches of the service of the United States, and to report whether any, and what, offices ought to be abolished; whether any, and what, salaries or allowances ought to be reduced; what are the methods of procuring accountability in public officers or agents in the care and disbursement of public moneys; whether moneys have been paid out illegally; whether any officers or agents or other persons have been or are employed in the service without authority of law, or unnecessarily; and generally how, and to what extent, the expenses of the service of the country may and ought to be curtailed. And also to consider the expediency of so amending the laws under which appointments to the public service are now made as to provide for the selection of subordinate officers after due examination by proper boards; their continuance in office during specified terms, unless dismissed upon charges preferred and sustained before tribunals designated for that purpose; and for withdrawing the public service from being used as an instrument of political or party patronage; and inquire into the accounts and statements in reference to the government debt, and the management thereof, and the mode of depositing and keeping of the public money, and all accounts relating thereto. That said committee be authorized to sit during the recess of Congress, to send for persons and papers, and to report by bill or otherwise; and that said committee may appoint a clerk for the term of six months and no more.

Concurrent resolution of the 40th Congress, March, 1867.

Resolved by the Senate and House of Representatives, That the joint select committee on retrenchment, raised by a concurrent resolution of the two houses at the first session of the 39th Congress, be, and the same is hereby, revived and continued for and during the 40th Congress, with all and the same powers and duties appertaining thereto in said 39th Congress, and with power to appoint a clerk, and with power in its members to administer oaths; and that any vacancies in said committee be filled by the presiding officer of each house, respectively.

By a resolution adopted July 19, 1867, one senator and two representatives were added to the committee, which consists of Senators Edmunds, Williams, Patterson of New Hampshire, Buckalew; and Representatives Van Wyck, Randall, Welker, Halsey, Jenckes, Benjamin, Benton.

At a meeting of the joint select committee on retrenchment, held in the city of Washington, July 20, 1867, it was, on motion,

Ordered, That so much of the inquiries referred to this committee as relates to the mode of appointments to the public service and the abolition of useless offices be committed to a sub-committee consisting of Senator Williams Representative Jenckes, and Senator Patterson.

QUESTIONS.

1. Are you in the civil service of the United States; and if so, in what official capacity?

2. When did you enter upon the duties of your office?

3. State whether you have served in any other office or offices, and what offices, and during what period or periods of time?

4. What was your employment before your appointment to your present office, and before entering the service of the United States?

5. Have you received a collegiate education? and if so, state where and when; and if not, state where and how you received your education.

6. Previous to entering the civil service, were you examined with regard to your qualifications for the place to which you were appointed? if so, state when, where, and by whom; relate the full particulars of such examination.

7. What evidence of your qualifications was submitted to the appointing power other than such examination?

8. By whom was your appointment made, and by whom were you recommended for the office you now hold?

9. State the annual income of your present office, and whether it is a larger or less sum than your income previous to your appointment.

10. Had you ever pursued any course of study with a view of fitting yourself for the duties of the office you now hold, or of any office you have held under the government of the United States? if so, state where, when, and with whom.

11. Is there any printed book or manual which sets forth the duties of your office? if so, name it, and refer to the portions of it relating to such duties.

12. To whom do you make report concerning the performance of the duties of your office, and at what times, and what is the nature of the reports? Describe particularly the character of such reports, and if the last which you have made is in print, annex a copy; and if not, state where it can be found.

13. How many hours in each day, on an average, are you actually employed in the service of the government, and what are your office hours?

14. What number of persons are under your official control; into how many classes are they divided, and what is the number of each class; and how many are employed permanently, and how many temporarily?

15. State the character of the employment of each class, and how many hours each day they are employed.

16. State the number of applications for employment in subordinate offices you have received since you have been in office, and what number of these have been successful, and how many have been rejected.

17. Have those who have received appointments under you given evidence of their fitness for such employment by any test examination? if so, state the number of those who have been examined, the offices to which they have been appointed, and state by whom such examination was conducted, what subjects it embraced, and what standard, if any, was adopted as the test of fitness for the employment to which the appointment was made.

18. State whether any persons have been appointed to the subordinate offices under you without examination; and if so, how many, and to what offices, and whether they are still in the service, and upon what recommendation or supposed qualification such appointments were made.

19. State the previous occupation of your subordinates, and whether any of them pursued any course of study before appointment with the special view of qualifying them for the service, or whether they were taken indiscriminately from the various employments of civil life.

20. How many among your subordinates have been appointed for merit and qualification alone, without political or personal influence, and without regard to political or personal considerations?

21. What is the usual mode of application, how supported, and how urged?

22. Are the recommendations of the personal and political friends of the applicant preserved and placed on file?

23. State how many of your subordinates have served in the Union armies; how many have been connected with the press in any capacity; and whether there are not different grades of efficiency among them in the same class.

24. State how many have been appointed within two years; how many more than two years and within four years; how many more than four years and within six years; how many more than six years and within ten years; how many more than ten years and within fifteen years; and how many above fifteen years.

25. State how many are under twenty-five years of age; how many over twenty-five and under thirty; how many over thirty and under forty; how many over forty and under fifty; how many over fifty and under sixty; how many over sixty.

26. State what number have been removed since you have been in office, and what portion of these removals have been for political considerations.

27. State whether there is any system of promotion among your subordinates; and if so, what it is based upon; what are its rules; how are they applied, and who has the final decision upon any question of promotion.

28. State whether there is among your subordinates, or in your department, any rule constantly acted upon by which merit shall be advanced, and which will insure a career in your particular branch of service to any deserving person who enters the lowest grade.

29. State whether you have not known meritorious persons to be discharged, and their places filled by others not before in the service, who have been backed by political influence.

30. Have you not known such new recruits to be placed over the heads of meritorious persons already in the service?

31. Between what ages do you find your subordinates most diligent and efficient?

32. What classes of appointees do you find the least diligent and efficient?

33. Suppose all new appointments were to be made in the lowest grade only, and out of candidates who shall give evidence of their fitness for appointment by passing a rigid test examination conducted by competent persons, and that no promotions should be made to a higher grade unless the candidates for promotion should pass a similar test examination for such higher grade, would not the efficiency of the service be thereby increased?

34. Could not an equal amount of work be accomplished under such a system by a less number of persons than are now employed?

35. If the employment was assured and certain, and promotions granted only to seniority or merit, and no discharge permitted except for cause, could not a higher grade of talent and a better quality of persons be induced to enter the government service?

36. Are there any females among your subordinates? If so, state what proportion their compensation bears to that of males for the same service, whether they compare favorably or not with males for diligence, attention and efficiency, and whether the general efficiency of the class would not be improved by a system of appointment for competency alone, and promotion from merit or seniority, or retention in office during good behavior?

37. State any matters which in your judgment would tend to make the civil service more efficient and economical?

APPENDIX C.

EXTRACTS FROM REPLIES OF PUBLIC OFFICERS TO INTERROGATORIES
BY THE COMMITTEE.

Reply of N. Sargent, Commissioner of Customs :

TREASURY DEPARTMENT,
Office of Commissioner of Customs, January 4, 1868.

SIR: I have the honor to acknowledge the receipt of your circular, with interrogatories propounded by the Sub-committee on Retrenchment, to which I reply as follows:

1. I am, as Commissioner of Customs.
2. On the 20th day of May, 1861.
3. I have served in other offices, viz: Sergeant-at-arms of the House of Representatives during the 30th Congress; Recorder of the Land Office part 1849-'50; Register of the Treasury from October, 1851, to April, 1853.
4. I am a lawyer by profession, but was for a number of years an editor and owner of a daily paper in Philadelphia; afterwards correspondent of the United States Gazette, under the *non de plume* of Oliver Oldschool. For a few years previous to entering my present office I prosecuted claims before Congress and the departments, and carried on a small farm, which I still carry on.
5. I have not. I received my education in Vermont, partly under a private tutor and partly at an academy in Brattleboro', and partly also by my own studies, "without a master."
6. I was not.
7. I was well known to General Taylor. Mr. Fillmore, and Mr. Lincoln, from whom I received my appointments, who were satisfied with my qualifications for the positions they respectively tendered me. General Taylor, through Mr. Clayton, Secretary of State, first tendered me the office of secretary of the Mexican commissioners, which I declined on the ground that I did not understand the Spanish language. General Taylor was pleased to say that I was the first man he ever knew who declined an office because he did not consider himself fit for it, and then offered me the office of Recorder of the Land Office, which I should have declined if I could without giving offence.
8. By Mr. Lincoln, recommended by many senators and members of the House of Representatives, though Mr. Lincoln did not ask for or look at any of these. I knew him and he knew me well.
9. The salary attached to my office is \$3,000 per annum, but during the past year I have received 20 per cent. additional, under an act of Congress. I think it is larger than my income was previous to my entering the office, but is less in comparison with the cost of living now and then.
10. I had not; and had to learn the duties by study and application.
11. The duties are only to be learned by a study of the revenue laws, the treasury regulations, treasury circulars, and the recorded correspondence of the office from 1790 down to the present time, contained in some forty volumes of records.
12. I report annually to the Secretary of the Treasury, and enclose my last two annual reports. I have to occasionally make other reports upon cases referred to me by the Secretary, as they arise in the course of business—some quite elaborate, some less so.
13. I am usually in my office by half-past eight a. m., and remain till after four p. m.; sometimes return to the office and labor the whole evening. Since I have held the office, I have never, for a single day, failed to sign all official papers, except when absent from the city.
14. I have under my control 35 persons, divided into 7 classes, viz: 1 chief clerk; 3 clerks of class 4; 8 of class 3; 10 of class 2; 9 of class 1; 1 assistant messenger; and 3 laborers; all permanently employed.
15. The employment of the different classes is as follows: 1 chief clerk; 1 clerk of class 4, bookkeeper; 1 accountant; 1 special agent; 1 of class 3, estimates; 1 law clerk; 6 accountants; 6 of class 2, accountants, 1 miscellaneous, 2 copyists, 1 record; 1 of class 1, copyist; 1 assistant bookkeeper; 6 accountants; 1 acting messenger; 1 assistant messenger; 1 laborer, acting as clerk; and 2 as laborers. All employed seven hours each day.
16. I am unable to answer this.
17. All who have been appointed under me have undergone test examinations. Those examinations were conducted by myself or some one appointed by me for that purpose, under my supervision. They were examined particularly in arithmetic and bookkeeping questions, being put to them of a character likely to arise in the performance of their duties; also in other branches, as history, grammar, geography, &c.
18. One or two clerks have been transferred to my office from others, of whose examinations I knew nothing. I think one, at least, is now in my office. As to the remainder of the interrogatory, I cannot answer.
19. The previous occupations of my clerks are exceedingly various. Some have been

lawyers, some school teachers, some bookkeepers, some mechanics, and one has been in the office since he was a boy, now 64 years ago, nearly, and who is a good, efficient clerk yet, at the age of 78.

20. I do not know that any one has been appointed on political grounds since I have been at the head of the office. Four or five were appointed at my solicitation, because I knew their qualifications, and needed just such men. Three of these were lawyers. They have proved to be all I expected—most valuable assistants. I never inquired about the politics of any one, except during the war, and then only to satisfy myself that he was loyal; and I allow no political, nor, indeed, any other discussions, among the clerks.

21. Appointments are made by the Secretary in all cases.

22. This should be answered by the Secretary.

23. Nine have been in the army; 8 have been connected with the press. There are different grades of efficiency among my subordinates in the same class.

24. Twenty have been appointed within 2 years; 7 have been appointed more than 2 years, and within 4 years; 2 have been appointed more than 4 years, and within 6 years; 3 have been appointed more than 6 years, and within 10 years; 1 has been appointed more than 10 years, and within 15 years; and 2 have been appointed more than 15 years.

25. Seven are under 25 years of age; 7 are over 25, and under 30; 6 are over 30, and under 40; 5 are over 40, and under 50; 6 are over 50, and under 60; and 4 are over 60.

26. Nine of my employes have been discharged; none for political causes.

27. There is no *system* of promotion, except that when a vacancy occurs I endeavor to have it filled by a lower-class clerk.

28. It is impossible to advance meritorious clerks in my office, for the reason that the number of each class is limited, and I have but few, and am allowed but few, of the higher grades, although mine is a *revising* bureau. (See my remarks on this subject at page 7 of my annual report.)

29. Nothing of the kind has happened in my bureau since I have had charge of it. I should protest most earnestly against it.

30. Answered in 29.

31. I find nearly all my clerks diligent and prompt in their attendance. The older ones, however, are more sedate, and apply themselves to business more steadily than younger men. When I say the older, I mean those from 30 to 60 years of age, and two over that age; they are as regular, steady, and diligent as the sun.

32. Answered above.

33. I answer most decidedly in the affirmative.

34. I do not doubt it.

35. I have not a doubt of it.

36. I have now no female employes. I have had some experience of them, and had some very good female clerks; but, as a general rule, they are less reliable and efficient than males, and more difficult to govern. I should be unwilling to trust such duties to them as my clerks have to perform; that is, the revising and settling long and intricate accounts, involving innumerable questions of law and practice, and not unfrequently the unraveling of confused and erroneous statements, and pursuing errors through a long series of returns. I have never yet seen the woman equal to such a task. Some of them make very good copyists.

37. Answered in interrogatory 47.

38. I find great and indeed insuperable difficulty in enforcing the revenue laws on the frontier and seaboard through the regular officers of customs; though I take pleasure in saying that I think, as a general thing, these officers were never more vigilant and faithful in the performance of their duties than they have been for the three years past, and are at the present time, especially on the northeastern, northern, and northwestern frontier. But there are among them incompetent, inefficient, unfaithful, and unreliable men. In some of the seaboard districts, the number of these is considerably greater in proportion to the number employed.

39. "What changes are necessary, in your judgment, in the present system to make the service more efficient and economical?"—In my judgment the present system should be discarded altogether. At present custom-houses are conducted in the interest of party politics, and have been so conducted for over 35 years. Since offices were proclaimed to be "the spoils of victors," they have been seized and used as such by both parties, appointments of customs officers being made, not with a single eye to the interests of the government, but with an eye, first, to the interests of the dominant party; and secondly or lastly, to the public interests. If both could be served by an appointment, very well; if not, the first must be served at all events, and of course the latter suffers. If all appointments were made upon competitive examinations, the appointees assured of permanent employment, (if not forfeited by demerit,) and of advancement in position and compensation when merited by length of service or by capacity, fidelity, and assiduity in the performance of duties, I do not doubt that a higher grade of men—higher as to education, character, integrity, and social standing—could be obtained for the same compensation.

40. What would be the gain in the revenue from customs by the change I have suggested I have no means of knowing; but that there would be a gain by reason of the more strict and prompt enforcement of the revenue laws, and the increased vigilance in preventing

frauds by means of false invoices, smuggling, &c., I do not doubt. The expenses of collecting the revenue would be somewhat lessened, inasmuch as a less number of officers would be needed.

41. Answered as far as it can be above.

42. There is no rule or regulation under the present system by which delinquencies among subordinate officers are certain to be reported. I think such failures to report are not unfrequent; reason, because it is not the interest, nor is it felt to be the duty of any one to report such delinquencies, even if known; but they may not be known to any officer other than the guilty one.

43. It undoubtedly would, for the reason that the duties would then be performed by men of integrity, and actuated by a high sense of moral responsibility to God and the community, who could bring into the service increased vigilance, honesty, and fidelity.

44. With customs officers of the character described in this interrogatory, I do not doubt that a great saving to the government might be secured in the single item of the prevention of frauds on the revenue; but I have no data from which to estimate the amount, even approximately. I am satisfied that our revenue is immensely defrauded, especially in some of the large cities—New York, for instance—and that much of this could be prevented by such a system of appointments as is hereinbefore indicated. Perhaps if I were to say that a million of dollars a year might be thus saved I should not speak extravagantly.

45. Very far from it.

46. As a suit of clothes made for the boy do not fit the man, for the same reason a revenue system framed with admirable skill and adaptation to the condition of the country in its infancy, is not fitted to its present vastly increased territory and commerce.

47. I answer this interrogatory in the negative; but I think that the fidelity of customs officers might be better secured, and their vigilance and assiduity increased, by concentrating the whole business relating to commerce and navigation in one bureau or department, the head of which should exercise a more direct and rigid supervision of these matters than is now possible, and especially in regard to the efficiency, integrity, and fidelity of the officers and their subordinates, and the economy, or want of it, in the various branches of the service. The commerce and navigation of this country are of sufficient magnitude and importance in my judgment to constitute a department, and require all the administrative abilities of its head. So long as they are appended to another department, the head of which is compelled to devote his time and energies to multifarious matters of great magnitude and urgency, aside from these, it is not in the nature of things that they can receive the attention and consideration which their importance demands, however anxious he may be to perform his whole duty, and look after all the interests committed to his care.

George F. Deming, superintendent United States assay office, New York city :

1. Yes; superintendent of the United States assay office at New York.

2. May 1, 1861.

3. Had previously held office as follows: from 1840 to 1846, director's clerk, United States mint; from 1850 to 1850, treasurer's clerk, United States mint; from 1854 to 1861, superintendent's clerk, United States assay office.

4. Employed six years in a merchant's counting-house in Philadelphia previous to entering the civil service of the government.

5. Educated in Maine. Received the usual school and academic training; was fitted for college, and spent one year as "university student" in a selected course at Bowdoin College.

6. I was examined with reference to my qualifications by Dr. R. M. Patterson, director of the mint, and the examination having been satisfactory, I was appointed director's clerk in January, 1840. This examination had reference exclusively to my qualifications for the duties of the office.

7. The testimony of mutual friends consulted by the director, and at whose suggestion and without solicitation on my part, the office was offered to me.

8. Appointed superintendent of the United States assay office by the Secretary of the Treasury, Hon. S. P. Chase, with the approval of President Lincoln, as required by law.

Recommended by my predecessor, S. F. Butterworth, esq., whose chief clerk I had been for more than six years; by the director and other officers of the United States mint; by the president and officers of the Bowdoin College, and by leading citizens of Brunswick, Maine, my native place; by officers of 11 banks and banking houses, the mayor and influential citizens of Rochester, N. Y.; by seventeen members of the New York State senate; by five bank officers and others at Albany, N. Y.; by the presidents of 16 banks and trust companies, and by nine of the leading private bankers in New York city; by Senator Fessenden, of Maine, and Governor Buckingham, of Connecticut. Other individual recommendations were presented, the list of which is not at hand.

9. Present salary of superintendent of United States assay office \$4,500. It is larger than my previous salary.

10. I had, as stated in answers numbered 4 and 5, and in an experience of sixteen years in the actual performance of duties connected with the mint service, and studies incident thereto.

11. Only the pamphlet "Laws relating to the mint of the United States and its branches,"

and a pamphlet containing "Instructions relative to the transaction of business at the mint of the United States and its branches," copies of which are herewith submitted.

12. To the director of the mint at Philadelphia, quarterly and annually, and at other times when required. The quarterly reports embrace the details of the business of the assay office during the quarter, giving the amount of bullion deposited, and indicating its various kinds and the sources whence it is derived; also, the amount of bullion refined, and of fine bars manufactured. The annual reports embrace the same points more accurately stated for the year, and give also a statement of the condition of the office, and the manner in which the year's business has been performed.

In October of each year, the superintendent prepares and submits to the director a statement of the expenses of the assay office, with estimates of the amounts required to be appropriated by Congress for the support of the institution for the fiscal year next following.

Reports upon special subjects are also occasionally made by the superintendent to the Secretary of the Treasury.

The substance of the annual report of the superintendent is given in the annual report of the director of the mint to the Secretary of the Treasury. A copy of this report for the fiscal year ending June 30, 1867, is herewith submitted.

13. The office hours of the assay office are from 10 a. m. till 3 p. m., the customary business hours in New York city. I seldom leave my office before 5 o'clock p. m., and am frequently detained later in the evening.

14. Fifty-five persons are at present employed in the office under my superintendence, classified as follows: 1. Officers and clerks, 10 persons; 2. Assistants, 6 persons; 3. Door-keepers, watchmen, &c., 13 persons; 4. Workmen, 26 persons; all employed permanently.

15. The superintendent has a general supervision of the business of the office; conducts the correspondence; makes reports of operations, and prepares estimates of annual appropriations needed; makes requisitions upon the Secretary of the Treasury for moneys needed to meet expenses; examines all bills against the office, and issues warrants upon the treasurer for their payment; supervises and checks the treasurer's calculations of the value of bullion deposits, and issues warrants for their payment, and generally looks after the economical administration of the office, and the fidelity of the persons employed therein.

The treasurer (who is also the assistant treasurer of the United States at New York) has the custody of all moneys and all bullion not in charge of the melter and refiner. He makes all calculations of value of bullion deposits upon reports of the assayer; makes payments upon warrants of the superintendent, and renders monthly and quarterly accounts to the department at Washington.

The assayer makes assays of all deposits of gold and silver bullion, and renders detailed reports thereof to the treasurer. He also makes assays of all bullion intended for fine bars, and determines, in conjunction with the melter and refiner, all doubtful questions relating to deposits of bullion.

The melter and refiner receive from the treasurer, and is charged in account with, all bullion deposited; conducts the necessary operations of melting, parting, and refining the same; guards against loss by wastage or otherwise; renders quarterly accounts to the treasurer of bullion received and returned, and once a year, as required by law, makes a thorough settlement of his account with the treasurer.

The clerks and assistants of these officers are engaged in the business of their respective departments, and the workmen who are mainly attached to the melter and refiner's department perform the various duties required by that officer.

The hours of public business are from 10 o'clock a. m. till 3 p. m. The workmen are on duty from 7 o'clock a. m. till 4 o'clock p. m., unless the state of business permits an earlier dismissal.

16. No record is kept of applications for employment. They are very frequent for the place of workmen, but are seldom successful for the reason that skilled workmen are required, and it is deemed the wisest policy to retain faithful employes and make as few changes as possible.

17. As far as practicable and necessary, careful inquiry is made as to character and qualifications. As the duties of employes at a mint or assay office are special in their character, they have, for the most part, to be learned within the establishment. The only test of qualification which is practicable, therefore, is the consideration of general intelligence and capacity to learn. A brief trial in actual service has been resorted to in doubtful cases, and candidates thus proved unfit have been rejected.

18. No appointments have been made in this institution during my superintendence without careful examination or inquiry as to character and qualifications as above indicated.

19. Of the sixteen officers, clerks, and assistants in this office, three had received a previous training in the United States mint. These were men of scientific reputation. Six were taken from mercantile pursuits, and four were young men of good education and capacity, but without previous experience in regular business. Of the 39 workmen and others, 10 had been previously employed in the United States mint, and the rest were mostly mechanics of various kinds of the better sort.

20. Most of the persons now employed in this office have been appointed for merit alone. A few may have owed their appointments originally to political influences, but they are now retained solely on account of their qualifications. Political considerations have very

little to do with my appointments. Good character, capacity, and, in the light of recent events, *loyalty*, are a *sine qua non*.

21. Most of the applications for places are made in person; but frequently by letter, supported by the recommendations of influential men.

22. All applications and recommendations made in writing are placed on file in the office of the superintendent.

23. The United States assay office at New York contributed 12 volunteers to the army and navy during the war of the rebellion. No person now employed in this office has, to my knowledge, ever been connected with the press. There are differences in skill and efficiency among employes of the same class.

24. Number of employes appointed—

Within 2 years.....	1
More than 2 and within 4 years.....	9
More than 4 and within 6 years.....	0
More than 6 and within 10 years.....	18
More than 10 and within 15 years.....	27

Office established in 1854.

25. Employes—

Under 25 years of age.....	3
Over 25 and under 30 years of age.....	2
Over 30 and under 40 years of age.....	10
Over 40 and under 50 years of age.....	19
Over 50 and under 60 years of age.....	14
Over 60 years of age.....	7

26. Since my appointment in May, 1861, only 10 persons have been removed, and of these removals not one was for political considerations. During the war two of our workmen were removed for carrying their partisanship to the point of practical disloyalty; but being excellent men in other respects, and never intentionally disloyal, they have been restored to their places.

27. No other basis of promotion than merit is recognized. We have no regular system of promotion, and no prescribed rules. The heads of the several departments recommend persons under them, from time to time, as worthy of promotion or increase of pay, and the superintendent, if he approve the recommendation, refers the matter to the Secretary of the Treasury, as required by law.

28. No specific rule of this kind exists; but practically appointments and promotions in this office are determined by the rule of merit.

29. I have known such cases; but none such have occurred under my superintendence. A bitter experience of political proscription during my first connection with the mint produced in my mind such an impression of its injustice as to make it forever impossible for me to become an agent for its execution.

30. I have known such cases; but they have been very rare in the mint service within my observation.

31. Difficult to answer. Other things being equal, I would give the preference to young men, say between the ages of 20 and 40.

32. Decidedly those that are made from political and personal considerations only.

33. I have no doubt that such a system of appointment and promotion would greatly increase the efficiency of the public service.

34. I think that if appointments to civil offices, and promotions in office, should be determined by the character, capacity, and meritorious conduct of the candidates, as is done in private business enterprises, the great army of office-holders might be reduced to half its present number, and that, too, with great improvement to the service.

35. Undoubtedly. One of the evils of the system of filling offices for political reasons only, is, that so many drones must be supported that the government cannot afford to pay for the highest grade of talent.

36. No females are employed in this office; but my observation at the mint in Philadelphia during my connection with that institution impressed me very favorably in regard to this class of employes. With such a system of appointment and promotion as is indicated in this question, I am confident that the government might profit greatly by the employment, in various ways, of respectable women.

37. Recapitulating, somewhat, the foregoing statements, I think the civil service would be more efficient and economical if the following principles should, as far as practicable, shape the policy of the government: 1. Candidates for appointment or promotion to be rigidly examined as to character and qualifications by competent examiners. 2. Permanence in office and promotion to vacancies in higher grades to be the assured reward of faithful service. 3. New appointments only in the lower grades; and no removals except for incompetency, inefficiency, unfaithfulness, or other causes which would constitute a bar to appointment. 4. No proscription for opinion's sake; but while entire freedom of political opinion and action is assured, conspicuous and noisy partisanship to be ground of removal. 5. Compensation to be sufficiently liberal to induce persons of the highest character and capacity to continue for life in the civil service. 6. A retired list, with reduced compensation, for such employes, broken down in the service, as should be found worthy by a competent board of examiners.

Extracts from replies.

C. E. Wright, collector of internal revenue, 12th district, Wilkesbarre, Pa.:

2. A plan for the schooling and training of the assistant assessors would result in much good. The assessor is generally distant from the most of his assistants, and their instructions generally derived by letter, in answer to inquiries from them. At stated times they should be assembled by the assessor and catechised. It would establish uniformity and correctness in their work; or, if an agent of the department should make the tour of each district once a year, at least, it would be to a good end. The whole efficacy of the system hangs on the action of the assessing power. No doubt great losses are occasioned by the laches and inability of the under-assessors.

3. Perhaps the greatest evil occasioned the system of internal revenue is the traffic, of an illicit character, in spirits. The ingenuity of man seems baffled in attempts to counteract these frauds. In all parts of the country the railroad trains are shifting immense quantities of spirits from State to State, the tax on which has not been paid. If it were possible to control these common carriers by any congressional legislation, they should be restrained from carrying any cask which has not marked on it the evidence of "tax paid." I have in my district but one revenue inspector, and it is out of the question for him to keep watch of the great number of railroad depots, I presume more than a hundred. I know that the officers of one of our roads direct their subordinates to keep watch of the markings of casks of spirits, but this case is the exception to the rule. The transportation of copper stills, worms, &c., is usually by the same means of conveyance.

4. The subject of taxing whiskey is a problem that seems destined to fail of solution. For my own part I have become satisfied that there is but one way to secure this tax. It should never leave the premises where it is made until it has paid its tax, and when the distiller has failed to pay on a certain amount he should stop operating. The loss, the amazing loss, on this commodity, is that it is permitted to pass from place to place without payment of its tax. The system of bonds, given for particular purposes, fails in its purpose.

5. Though it may not strictly fall within the scope of your circular, I will mention lastly that the receipts of revenue in this State have been essentially diminished by removal of the tax on coal and iron. In this district the sum of receipts has fallen from \$1,000,000 to \$400,000. This tax was paid (I mean the tax on coal) the most promptly and easily of all. Coal operations becoming chiefly confined to large and wealthy corporations, the stock of which being much of it owned by capitalists of the Atlantic cities, it was easily paid. And the same remark applies to iron companies. The imposition of those taxes again, as they were, would materially increase the sum of revenue.

If there is any other point on which, at any time, you desire information of me, I shall be happy to give it.

R. H. Avery, collector of internal revenue, 22d district, New York:

37. Have the laws enforced by the government against all officials in the revenue department that fail to expose frauds from fear of personal or political persecution, or from being in complicity with offenders for gain or profit; and for any neglect or failure to perform the labor requisite and necessary to detect any frauds that may be apparent upon information, or suspicion, such officers should be removed from office, or punished in some degree adequate to the offence or neglect. At the same time there should be a reasonable and fully remunerative compensation secured by law to all officers for services, so that as far as possible all temptation for gain by bribery or corruption would be removed. I am fully satisfied that the enormous frauds which have been committed upon the revenue for some time past by the whiskey manufacturers and those connected with them in the "whiskey ring" could and would have been prevented, had the collectors, assessors, and other officers in their districts been faithful, prompt, and diligent in their efforts in detecting and exposing the fraud from the beginning. At the same time officers in each district should be united, and fully co-operate together; also with officers of other and adjoining districts. In my own and in adjoining districts, frauds were suspected by me as being committed, and I at once began a thorough and laborious investigation, which has resulted in the seizure of 14 whiskey concerns, a part of which have been tried by the courts successfully for the government; a part have been compromised by the Commissioner on favorable terms to the government, where fines and penalties have been paid to the government on compromise, amounting to over \$10,000, within the year. About \$100,000 of forfeitures, fines, and penalties now await judgment of court and now pending, besides several criminal suits for penalties and imprisonments, concerning which the revenue inspector of this district, J. J. Lamoree, esq., and the Hon. Wm. Dorsheimer, United States attorney, think I have ample proof to secure a verdict for the United States. I only make these statements as an illustration of the ideas I desire to convey, "to make the civil service more effectual." In other words, as in the divine code, "rewards for the faithful, and punishment for the unjust."

If my replies have not been pertinent in any respect, it has not been from any design; but I have been animated rather with the desire to aid you in your investigations. Anything within my knowledge I will cheerfully impart, if at any time requested.

M. B. Field, collector of internal revenue, New York :

33. I should say decidedly, yes; at least so far as clerical offices are concerned. The system suggested could be easily carried out in the great executive departments of the government. It might also be directly applied to an office of the magnitude of that of the collector of customs of this port. In these cases the employés are government officers. The persons employed in the office of a collector of internal revenue are his own clerks. He appoints them absolutely; they are paid by him. It appears to me that in order to carry out your idea so far as this class of office is concerned, two things would be necessary: first, to make these subordinates government officers, and next, to arrange for a system of promotions not only in the same office, but also from one office to another. For instance, an inferior clerk trained in my office might become competent to take the position of deputy in a smaller office. The plan of competitive examinations for the civil service is, however, to my mind, beset with difficulties. For superior positions I do not think that it would answer. Certainly, for all offices the possession of certain qualifications by the applicant should be a *sine qua non* with the appointing power. Assuredly there obtains in this country a deplorable practice upon this subject. In too many instances the candidate, upon Procrustean principles, is lengthened into a foreign minister or shortened into a local postmaster, upon the single consideration of his political claims. Fitness for the particular office is too seldom made a controlling consideration. I am at a loss to see exactly how this is to be effectually remedied, except by making the possession of a certain amount and kind of qualifications a legal prerequisite in every case. Still, superior places cannot be put up to competition through examinations. Preliminary examinations for admission into any service will, at least, exclude the grossly incompetent; but they furnish no positive measure of relative fitness for those who pass them. It has frequently happened that members of Congress have thrown open to public competition nominations to West Point and to the Naval Academy. The boy who would carry off such a prize from many contestants would naturally be expected to distinguish himself in his after studies. It has often been the case, however, that he has taken but low rank among associates appointed in the ordinary way without competition. Again, for the successful discharge of some duties, certain personal characteristics, apart from acquirements, are necessary; and these can hardly be made the subject of examination.

34. Speaking generally of the civil service, there is no doubt but that, with better trained assistants than we now have, more work could be accomplished with a smaller force.

35. I shall say most decidedly, yes.

36. I have no female subordinates.

37. I regret that I have not the time to enter more fully upon this subject. In reply to this last question I will only make a single particular reference. I have already spoken of the present system of compensating collectors of internal revenue as a vicious one. It is as follows: We receive first a salary of \$1,500 per annum. Upon the first \$100,000 which we collect we receive three per cent., or \$3,000; upon the next \$300,000 one per cent., or \$3,000; upon the next \$600,000 one-half per cent., or \$3,000; upon all over \$1,000,000 one-eighth per cent. Out of this we pay all our expenses, (deputies, clerks, rent, &c.,) except stationery and postage. Take the item of rent. It is an extremely variable one. In this city it differs enormously. Some collectors pay but a few hundred dollars a year; others are compelled to pay several thousands, according to locality. My rent is a very moderate one, so that I am not one of the sufferers by this difference. But why should the collector, say of the fourth, be compelled to pay for rent out of his own pocket three times as much as I am compelled to pay out of mine? Again: Under the existing sliding scale of commissions the collector who collects only a million is better off than he who collects a larger sum, for it has been established experimentally that it costs more to collect the excess over a million than the one-eighth per cent. allowed for it. Hence many collectors have large amounts of taxes abated which might have been collected, and are lost to the government because they are unwilling to employ and pay for the additional assistance necessary for the collection. The tendency of the whole system is to induce collectors to employ *cheap* assistants, *insufficient in number*. That it *should not* be so I concede. But that it is so in many instances, I have reason to believe. My own collections have been so extraordinarily close upon the amounts assessed, that I do not see how, under any other system, I could collect more than I do. But this is not the universal case. Incidentally I may mention that I have long urged the establishment of a central bureau in this city for the collection of *arrears* of United States taxes. Not only do I believe that such a bureau would directly save large sums of taxes which would be otherwise lost to the government, by collecting them, but that it would also do so indirectly, by stimulating collectors to greater efforts to avoid the discredit of passing over to this bureau large sums which they might themselves collect by more exertion.

I will conclude by saying, in general terms, that I think that our civil service should be assimilated to those of Great Britain and some of the continental countries. Require the possession of certain qualifications as essential to appointment; reward merit and length of faithful service; make the tenure of office more dependent upon efficiency and integrity, and less so upon political caprice and favor. You will thereby secure more efficiency, and this efficiency will involve economy.

E. G. Cook, collector of internal revenue, 1st district, Mississippi :

In my district half the counties are not assessed more than will pay the cost of assessing and collecting. Several of them are assessed from \$1,000 to \$2,000, of which not one-half can be collected.

The labor to assess the tax and to collect in a county of 1,000 square miles is as great for \$500 as for \$10,000. The assessor must travel over the whole territory, and it will take as long to see and examine a citizen who will make no return of tax whatever, as it will to enter the items and tax of \$10 or \$100 : so an assessor may and they do work and properly charge for services when there is no apparent return of revenue to be collected.

Then the collector will perform nearly the same service by going over the same extent of country to see all whose names are returned, and very often must go a second or third time. There can be no legal notice through the post office, as there is no mail service in any county in this district except, probably, to supply the county seats ; all other small post offices are not supplied, and the sending of notices is a mere waste of time. The deputy collector, for this travelling over a county of 1,000 square miles two or three times, can only get at most three per cent. ; this on \$1,000 would be only \$30—this for horse hire and two or three months' hard labor and one month in making out the returns required on 102, 47, 46 and 53.

No one can be had for the compensation provided by law, and something must be done or the poor divisions omitted in the annual assessments.

I think it would save to the treasury if some plan can be devised by which no division shall be taxed if the whole tax will not pay the expense of assessing and collecting the tax therein.

To illustrate: the county of Green has been assessed not as much as \$50 for two years, and yet the assistant assessor may have been required to "proceed through every part of this county," &c., (see act of Congress,) but finding all too poor to be charged anything, made no report on 23, but charged for the labor actually performed per diem.

Expecting some assessment, a deputy collector was engaged to collect all assessed in that county, make all returns, and detect all violations of revenue laws, at a salary of \$100. Now, he has collected only \$10 special tax on one physician, and this all that was assessed and collectable. The assistant assessor is compensated by per diem. He will continue though nothing be assessed ; but no deputy collector can be had, because the amount, \$100, is too small to require annual attention, though but little be done, and then the supposition will be that he makes no adequate return of revenue for his pay.

I know as well as I can know anything future that at least ten counties in the first district of Mississippi will not be assessed enough to pay the assessors and collectors reasonable compensation for the labor actually required in assessing and collecting ; and then I am equally certain that not one-half will be collected of what may be assessed.

I am certain that I could not have secured the services of competent men by examination. No one is prepared to discharge the duties of assessor and collector at first, and it is hard to learn.

I requested (by letter to Commissioner Rollins) an officer to be sent to me when I was first appointed who would be recommended by deputy commissioners of internal revenue, but have failed to secure such a one. I expected a Mr. Payne, who declined coming ; then Mr. Lawton came last ; he knew little more than one whom I had in the office.

I have been under the control of treasury agents both general and special, and am still no expert in the office, and my deputies less so. Several have declined, and I think all will.

The cotton tax repealed leaves this district a charge upon the revenue department, unless no assessment or collection be attempted in many divisions.

Whether a county or division of a district should be omitted for any one year may be left to the discretion of the assessor of the district or the joint determination of the assessor and collector, or to the honorable Commissioner of Internal Revenue, if the facts and suggestions made by me on the 6th and 7th pages be considered at all in reference to such action.

C. S. Franklin, acting naval officer, New York :

27. I have pursued a system of promotion, increasing the salaries of those deemed worthy, by permission of the Secretary of the Treasury.

28. I regret that I am not enabled to reply affirmatively to this question. There are, however, some few who have remained in the office many years, and who have been promoted from a low to a higher grade of clerkship.

29. I have.

30. I have.

31. Between the ages of 30 and 40.

32. Very young men, and the very aged. Professed politicians are not remarkable for their efficiency as clerks.

33. Most unquestionably.

34. Undoubtedly, if those employed possessed a greater degree of efficiency, and exerted greater industry, encouraged by the hope of advancement.

35. Beyond peradventure. If permanent employment and promotion were awarded to merit or seniority, and no removals permitted except for cause, the axe would thereby be

applied to the very root of that "Upas tree" by which the efficiency of the revenue service is now poisoned into a torpor resembling death.

36. None.

37. My answer to question No. 35 covers the whole subject, and the only additional requisite would be the appointment of officers of executive ability and integrity of purpose.

W. P. Kellogg, collector of customs, New Orleans :

33. Should the course proposed in this interrogatory be pursued, I have no hesitation in saying that it would unquestionably add to the efficiency of the service. Until this or a similar system is adopted, I think we can look for no great improvement, where so much necessity for improvement exists.

34. Unquestionably it could.

35. Undoubtedly such would be the case.

36. There are no females employed in this custom-house.

37. I believe that the course proposed by the tenor of the interrogatories numbered 33, 34, and 35 would very much tend to make the civil service more efficient and economical.

John S. Walton, United States treasurer, New York :

33. I have always thought that no man ought to be appointed to office without being examined in reference to his personal character, and his qualification for the position he sought. Until this is done the government will never be properly served.

34. I believe that if such a system as that stated in question 33 were faithfully carried into effect, and the same principles applied to it as govern commercial houses, the work could be done by one-half of the present number of officers.

35. If the employment was assured and certain, and no discharge permitted except for cause, there would be strong inducements to seek public office, and the government would undoubtedly secure the services of first class men.

36. I have no females among my subordinates.

37. I think that nothing would tend more to make the civil service efficient than the adoption of a system by which a person once in the government employment, after a thorough examination as to character and fitness, would be assured that his position and advancement would depend upon his conduct. Unless there is security, few honest men will voluntarily seek public office. Only those whose misfortunes drive them to it, and those who expect to make more out of it than the salary belonging to it, will try to obtain it. If the salaries were liberal and the positions permanent, honest men, of moderate desires, would seek them, and devote their lives to the faithful performance of the duties belonging to them.

F. W. Shrift, postmaster, Detroit, Michigan :

35. Emphatically; yes. This is the great curse of the service. The uncertainty of their positions debar many, whose services would be very valuable to the government, from accepting them. This is especially the evil in the postal service and should be remedied.

36. There are eight females among the clerks of this office. I consider them fully as competent as males; quiet, unobtrusive and diligent in the performance of their duties. For this service I recommend their employment. I believe the service would be vastly benefited by a system of appointment and promotion for merit alone, and retention in office during good behavior.

A. B. Underwood, surveyor, Boston :

29. I have known many meritorious persons to be discharged and their places filled by others who had not been in the civil service, though many of those appointed had deserved well of their country by meritorious services in the army or navy. I have always believed, I do not personally know, that meritorious officers were displaced for meritorious soldiers and sailors rather than have officers not so efficient because the political or personal influence brought to keep them was less strong than to keep the others.

30. The only classes of officers serving under me who are not comparatively independent of other officers, except myself or my deputies, are the weighers, gaugers, and measurers and their foreman. There have been comparatively few changes in them. One young man, with very little business experience, about 22 years of age, I think, was appointed weigher at a salary of \$2,000, to be the superior officer over a foreman 40 years of age, who had been a year or two in the service, whom I recommended very strongly to be appointed to the vacancy as qualified for and deserving the place. The young man was appointed against my earnest protest, the weigher being one of the officers placed under my direction by law. I think the deputies of the three principal officers at this port have always been taken outside of the service.

31. As in most branches of the public service or private business I find my subordinates in middle life to be most diligent and efficient, depending upon the kind of duty somewhat, say between 25 and 45 years of age.

32. The class generally the least diligent and efficient are those known as political

appointments; those who are of the opinion they were appointed for some services done their political party or for some person having an influence on the appointing power; those who seem to believe that government places are not for performing any labor but eleemosynary institutions, where the faithful can be at rest.

33. I think the system proposed in question 33 for appointments and promotions, with a chance to vary in extraordinary cases under proper safeguards, would increase the efficiency of the service immeasurably.

34. An equal amount of work could undoubtedly be accomplished under such a system. I have already recommended to the collector the removal of six or eight inspectors provided I could be allowed to select the least efficient and retain the hard-working and the meritorious; and with the rest, on this condition, I believe the work could be done, not, however, if inefficient men were to be substitutes.

35. The great evil of the present system is, that there is no assurance in the least degree that if an officer does his duty efficiently and with fidelity to the government he will be retained. It is not for his interest always, as it should be, to be faithful to his employer's interests rather than that of others. At the larger ports the office of surveyor, I suppose, was created to divide the duties of the collector, and to have a responsible officer do what a collector could not, look after the outdoor officers and see that they discharge their duties faithfully and to the advantage of the government. The surveyor is the officer who, from the nature of his duties, should know, and does, the qualifications and abilities as well as the efficiency of these inspectors, weighers, &c. Yet there is no law or regulation that requires the surveyor to be consulted in the retention or removal of these men, and he is often the last officer who is ever asked on the subject. The officers learn by this that his opinion is of no account, and that fidelity and efficiency are not the requisites for retention in service.

If the system could be so changed that the really good and working officers could be retained it would be of an immense advantage to the service, and if promotion or deserts were added, better men, a higher grade of men, would be found in the service.

36. There is one female inspector under my direction nominated by the collector. She is employed only occasionally at the steamers.

37. Since answering question 27 I have received notice of some promotions made by the collector, which I doubt not will be detailed by him.

To make the customs revenue service efficient, (I am not familiar with any other branch of the civil service;) to enable the government to get a suitable return for the great amount of money paid by it to customs officers and employes; to have them work for the government's interests, and not somebody's else; to have them induced to be faithful and be reasonably saving of the public money, something must be done to change the present system of appointment and retention, (if it can be said that there is any system of retention now;) to do away with, or greatly modify, the principle of political or personal patronage in the employment of men, the influence of which now pervades every part of the service and overshadows everything else. This principle now maintains an almost irresponsible one-man power. One man now has the gift of livings, and can take them away at will. When, as at present, it is difficult for men to get steady employment in mercantile or other private pursuits, one man has it in his sole power nearly to give a comfortable livelihood or turn a man out to starve. There is no practical power which the government has to encourage its faithful servants and retain them and protect them, when it is for its own interest to have them protected and retained. The Constitution vests the appointment of subordinate officers, I believe, in the Secretary of the department, and he nominally appoints now; but the nominating power is so far from the appointing power now, and the Treasury Department has such an enormous amount of business on its hands, besides looking after the details of custom-houses, which have grown to be great institutions in themselves, that practically everything relating to the appointment and employment of men is left wholly to the will of the collector; and there is no check upon him whatever; nobody but he has a shadow of power, and if he abuses it, there is nobody who dares report it. I only speak of the system now and its tendencies—not of collectors personally, of whom there have been and are now many good and valuable men. Such is the overshadowing influence of the present principle in the service, that though there are at the larger ports two officers appointed by the President of a rank approximating that of collector, a naval officer and surveyor, yet neither of them has but a shadow of power in the looking after and the protection of the best interests of the government. I have the direction of the outdoor officers, but I would have no influence whatever to retain in the service the most valuable, experienced, and faithful inspector or weigher ever employed by this government; and at certain times in public affairs he would be as likely to be turned out as anybody else. I never know what officers I have to work with to-morrow. If the present system is to be retained in the main, I should certainly ask, for the public good, that surveyors might have by law some power to retain valuable officers, and to see that only those properly qualified are employed. The responsibility of nominating and the annoyances connected with it under the present system I should be glad to have left to others.

If a radical change were to be made, as I should certainly recommend, the nomination of proper officers of customs should be left not to one man, but a board or commission, after some thorough examination to be prescribed by law, the examiners to be named by law;

they ought to be, of course, experts. A board of customs officers might be detailed, as often in the army. The commission might be made to consist of commissioners appointed for the whole revenue, or simply the customs service, who should be independent of any interest in the result, except the good of the service. An improvement over the present system would be, at least, to have appointees recommended by the collector, naval officer, and surveyor, as a board. *Three* would be more likely to be impartial than *one*.

Whatever the mode of nomination to the Secretary, the officers should hold office by some fixed tenure, either during good behavior, or if we cannot hope to obtain that perfection yet, then for some term of years, say four on one commission, with the certainty of promotion to vacancies, if any should occur, and the senior or other officer should be found qualified; the new commission to be for the same fixed period, say of four years. Then an officer would have the certain assurance of holding office four years under each commission, if he did his duty, with a prospect of promotion for the same period, if a vacancy should occur. There should be authority given the superior or employing officer to suspend for misconduct, or manifest incompetency, or inefficiency, and if proven to the satisfaction of a board of officers, such officer to be dismissed. I think if the officer held a commission under the seal of the Treasury, and not a simple warrant issuing as now from the collector, it would have a good effect.

I should recommend more grades among customs officers, with a proportionate scale of compensation, with a difference of name, or have the difference simply that of length of service. There should be more places, to make promotion possible. For instance, there are 94 inspectors at this port, all paid alike: \$4 per diem. There is a great difference in the capacity and merits of these men, as well as in the relative importance of their duties. There might well be *three* grades, paid say \$3 50, \$4, and \$4 50 or \$5 per day, respectively, with excellent results to the service.

I might continue making suggestions. Perhaps I have made sufficient to show what I consider the evils of the present system in the service.

J. Lee Engelbert, assessor 7th district, Pennsylvania :

37. In my humble opinion the efficiency of the civil service could be promoted by the employment and retention in office of officers who have shown by their abilities and acts qualifications for honesty and faithful performance of the duties devolving upon them for the interests of the service and satisfaction of tax-payers. Employment being assured at a fair remuneration for services rendered would certainly cause a higher grade of talent and a better class of persons to enter the government service and remain therein.

Should the tax on manufactures be removed and the revenue for the government be derived from income, spirits, tobacco, luxuries, succession and legacy tax, I would respectfully recommend the reduction of the number of assistant assessors, the most efficient being retained in the service: let their whole time be devoted for the public good at a fixed salary; this would insure proper and diligent attention to assessment of taxes, because at present in our rural districts considerable ground is travelled over, some of the assistants having eight townships, requiring conveyance, and the small amount of tax sometimes assessed will not warrant the approval by the assessor of a large bill in the assistant's favor for services rendered.

A. J. Pope, collector internal revenue 4th district, Iowa :

33. I believe it would be the best system that could be adopted.

34 and 35. In my opinion, yes.

36. There are no females among my subordinates.

37. The adoption of a system that would secure the appointment to office of competent persons without regard to personal or party considerations; that would make retention and advancement in office dependent upon faithful and meritorious conduct; that would not make removals upon the representations of "rings" or cliques, but only upon proven charges of incompetency or dishonesty.

I make these suggestions because of the fact that to learn the duties of the service is not the work of a day only, but should be the study of years.

O. L. Mann, collector of internal revenue, Chicago, Illinois :

37. I am of the opinion that the efficiency of the civil service can be greatly increased by the adoption of a carefully arranged system of examination of candidates for appointment to government offices, and a plan for promotion for meritorious services.

There are a large number of general and special agents connected with the revenue department whose services could be dispensed with if certain modifications of the law are made.

W. H. Watson, assessor 4th district, Georgia :

I am satisfied that the interest of the civil service of the United States and the general welfare of the government requires that a board of examination should be established to judge of the qualifications and examine each and every applicant for a position in any department before entering upon the duties of his office; political influence alone should

hardly be taken into consideration, except, perhaps, merely to introduce the applicant to the notice of the board. In the majority of cases parties should apply in person and be required to furnish some record of their antecedents. In a great many instances the compensation of government officials and subordinate officers is too great, while in others it is insufficient; but that is a subject that belongs to the heads of the departments, and is a difficult one to legislate upon, and no general rule could be made to apply to every case.

Reply of B. F. Martin, Collector of Internal Revenue 7th district, Ohio :

Answer to the last question :

37. In so far as the civil service would relate to the assessment and collection of the internal revenue tax, I would respectfully suggest :

1. That the law for the assessment and collection of this tax be *short, concise, and explicit*, without ambiguity, so that the *intention* may be gathered correctly from the language used, thereby avoiding many discussions, rulings, &c., which are made necessary by the crude and imperfect law now in force.

2. I would lop off much of the machinery now in vogue in the office of Commissioner of Internal Revenue, and consequently made necessary and in operation in the local offices of assessors and collectors of the several districts, and would reduce as near as could be the system of accounts to a mere cash account of debtor and creditor, with collectors, charging collectors with amounts of lists, crediting them with cash paid to treasurer, and with insolvents.

3. I would establish a separate bureau for internal revenue entirely independent of the Secretary of Treasury. The Commissioner to have the entire control of all matters relating to internal revenue.

4. I would suggest for that office a man of undoubted integrity, a good lawyer, and possessing an extraordinary degree of firmness, so that when a decision is once made and communicated to local officers, they may not be taken by surprise in the frequent overruling of decisions upon questions involving substantially the same facts in each case.

5. I would take from the Commissioner, or "any other man," the power to compromise any crime or offence for a violation of law, and the power to compromise any debt or demand due the government, and would leave these matters with the courts, where they of right belong, and would insist on prosecution, through the courts, against all who evade or violate the law for gain nor would I, however, make the penalty for its violation disproportionate to the offence, but would in all cases protest against all "let ups" until the party convicted shall have paid the penalty.

6. I would dismiss from the service any and all officers of any grade whenever their work, unexplained, gives the least evidence of incompetence, inefficiency, or dishonesty.

7. All officers of the government, including inspectors of all kinds, storekeepers, of bonded warehouses, &c., should be paid by the government, and none paid by parties who are engaged in the business of distilling, as inspectors and storekeepers are now paid.

8. All should be well paid, of course having reference to the business capacity required, responsibility incurred, and labor performed by each, and with a due regard to the character and position of the office which he holds.

9. All officers in the several districts under the grade of collectors and assessors should be appointed by the assessors and collectors of the districts, to whom alone they should be responsible for the faithful and honest discharge of official duties.

10. I would decrease the number of articles upon which tax is levied; decrease the number of occupations which shall pay a special tax, and consequently decrease the number of assistant assessors, and would have a less number of persons employed in the civil service in all the various branches of the government, and would in that process, I think, make the civil service more efficient and economical; I would by all means sustain the local officers in the discharge of official duties as against those whose pecuniary interest is antagonistic to the government, until it appear *prima facie* that the case is against the government, and that its officers are wrong-doers. Finally, with something like I have here indicated, it is my judgment that a tax of \$2 per gallon on distilled spirits or a greater or less sum, may be collected, and the "civil service made more efficient and economical."

J. P. Murphy, assessor 29th district, New York :

29. There have been no meritorious persons discharged in this district, and their places filled by others not before in the service, on account of political influence.

30. In this district I do not place new recruits over the heads of meritorious persons already in the service. I have more respect for myself and the service than to do anything of that kind.

31. It is true that I do not find all of my subordinates equally diligent and efficient, yet it is impossible for me to say among which class of ages I find the greatest efficiency; I have some in each class, even among the oldest, who are equally efficient with the youngest and best.

32. I cannot make a class discrimination among my subordinates as to diligence and efficiency. I find them equally so as a class. The office of an assessor of internal revenue is a

peculiar one, requiring certain qualities of mind and education, which can only be acquired by close personal application and practical experience in the duties of his office.

33. If it were possible or practicable to graduate the appointments in this branch of the civil service, and make promotions only to the higher grades from the lowest on passing a test examination, or on displaying peculiar fitness, by acts of efficiency, &c., I think effectiveness of the service would be greatly increased thereby, but I see no way that this can be done in the assessor's department. The only way that the assessor's department can be made respectable and efficient is, in the first place to secure the appointment of the right man to the office of assessor, give him the entire control of the assessments in his district, and also of the appointments of subordinates, hold him to a strict accountability for all his acts, and have him only removable for cause; require him to devote his whole time to the office, and pay him such salary that he could afford to devote his time, without resorting to outside business to obtain a living and support for himself and family; do this, and I think you will soon perceive a marked difference in the efficiency of this branch of the service.

34. The system of promotions and graduation of the offices of subordinates, as suggested by you, being to my mind wholly impracticable in this department, I cannot say what the effect or result of your proposed system would be; of one thing I am well convinced, that so long as the present subjects and objects of taxation are continued in the revenue law, this district, being about 125 miles long by from 20 to 40 wide, cannot be well taken care of and all the taxes assessed with a less force than is now employed.

35. I have no doubt if employment in the assessor's department was assured and certain on a display of merit, and no discharge permitted except for cause, and suitable inducement by way of compensation held out, a higher grade of talent and a better quality of persons could be induced to enter the service.

36. I have no females among my subordinate officers. I doubt whether any female could be found in this district, or any other, possessing the requisite qualifications to make a good assistant assessor; the duties of this place try most men as by fire, and if the nerves and firmness of a man can rarely be found to withstand the wily exactions of dishonest taxpayers, I doubt the experiment of filling their places with females.

37. The present internal revenue law, in my judgment, (and which has become confirmed by experience,) is defective, because of its making the assessor of a district in many things and particulars subordinate to the collector. An assessor cannot now make a seizure of premises or articles for cause, neither can he order or direct a prosecution of a delinquent. If he desires a seizure made, or a prosecution commenced by the district attorney, he must inform the collector, and if he deems proper, he makes an order therefor. Now, who should know best, the assessor who has had the whole matter in charge, and is presumed to know whether a violation has occurred or not, or the collector, who in fact knows nothing about the matter only as he is informed. My experience is that collectors very much like to cast all the blame and odium attached to the enforcement of the law on the assessor, and hence when complaints are made to them by assessors, interpose so many objections and quibbles to evade their responsibility, that assessors cease in disgust from making any further complaint, and so offenders go unpunished. To make a law respected, offenders should know that its penalties are sure of infliction. By giving to the assessor power and authority to act in all cases of infraction of law in all matters connected with the assessment of internal taxes, would make this branch of the service more efficient, and, therefore, more economical, because more taxes would be obtained.

Again, by strictly enforcing the rule, that assessors while holding such positions should not be engaged in any other business requiring any of their personal attention, much more efficiency would be obtained; my experience is, that an assessor will find plenty of business to engage his mind and attention, by looking after and supervising revenue matters in his district, without any other; this is an evil which must be remedied, in my opinion, before the service is made as efficient as it should be. It is not an unusual thing in many districts to find the assessor attending to his law office or store, and his assistants and clerks running the revenue; and when you find such a state of things, I will guarantee an inefficiently worked district. Besides inefficiency, there is a lack of uniformity among revenue officers, especially assessors; this grows out of ignorance or misconstruction of the law; this should be remedied if possible, but never will be, unless a different system is adopted. Now, assessors have no supervisory agent over them except the Commissioner of Internal Revenue. It is impossible for the Commissioner to personally visit but few of the districts; the great mass of them are, therefore, left without supervision or instruction, except such as they get by writing to him for, or such as are contained in circulars of a general character; this course will not produce uniformity, and, unless something is done, under the growing disposition to be liberal in the assessment of the revenue taxes, the government will be the loser to the tune of many thousand dollars. In my judgment it would be economy to divide the several States into one or more districts, containing several collection districts as now divided, according to the size, and appoint a qualified person to supervise the assessment and collection of taxes in the several collection districts under his charge. If a qualified person had several districts under his charge he would be enabled to establish a uniform system of assessments, and if a State was divided into one or more, by frequent meetings of these supervisors, a uniform system would soon pervade the whole State. You may think that

my suggestion of multiplying officers is a strange way to economize; but I am well satisfied that by establishing a uniform system of assessments the revenue would be largely increased; besides, it would make each district and State bear its equal proportion of taxation.

Duncan Fergusson, assessor 3d district, Illinois :

33. Certainly. Just what is wanted.

34. It could in populous districts, but in the rural districts the extent of territory that would be in a division, if they were made larger, would be inconvenient to the tax-payers.

35. Most unquestionably. Until this mode is adopted in the civil service of the country, I have no hesitancy in stating that the class of men who will be desirous of entering it will not be of a high grade of talent or likely to make efficient officers, nor generally would they be of a high standard of honesty or integrity.

36. None.

37. There is no doubt but that great frauds have been committed on the revenue, and I presume they will continue to be perpetrated until the present system is altered nearly to what is suggested in question 35. Men who enter the service now are generally of that class who have no particular business or profession, and who want some temporary employment until something better turns up; and I need not say that many of such a class will not hesitate to take bribes to look over frauds, when they think they can do so without detection. When officers can be turned out of office at any time without any charge being preferred against them and without any reference as to whether they have been good and efficient officers or not, it cannot be expected that a high state of attainment will be reached. I may be more in favor of the course suggested in question 35, from having been educated in Scotland, where very nearly this course is adopted, and although the tax on high wines is higher than with us, yet there is no difficulty in collecting the tax, and frauds either by the distiller or of officers conniving at the frauds are of rare occurrence.

Permit me to suggest, that, in my opinion, revenue officers who have been found guilty of, or in any way implicated in frauds, have not been punished in such a manner as to be a terror to others from following in the same course. When an officer is found to be concerned in any way in these frauds, he ought to be punished with the utmost rigor of the law. But how is it done? One of the officers in this district, a distillery inspector, (now discharged,) was implicated with the distiller in a fraud to a large amount. It was proved in an investigation before the United States commissioner by the district attorney that the fraud was committed by the distiller, and that it was impossible to have been done without the officer being cognizant of the fact. The distiller was allowed to settle by paying a fine of \$2,500, and the inspector by paying a like fine. The back taxes assessed by me on the liquors fraudulently conveyed away amounted to over \$26,000. Was that any punishment for a fraud of this amount?

I presume that in very few districts have there been fewer changes for political consideration than in this.

Thomas Moonlight, collector internal revenue, Kansas :

36. There are no females among my subordinates. Females could not be employed except as clerks in my department.

37. I have said so much in the 36 preceding that there is but little left to say. One of the greatest curses of the revenue department is that of secret special agents. They are rotten to the core, and may very justly be termed the leeches of the revenue department, for, having the confidential private ear of the department, their every word is believed, to the injury of both tax-payers and revenue officers. There is not a revenue officer to-day but who is at the mercy of these secret agents, and must do their bidding, right or wrong. For instance: a collector makes a seizure; a special agent slips in, and having the private ear of the department, lays before the different officers a statement of facts which blinds the department; the collector is ordered to release at once, and is threatened with beheading, perhaps, while the agent has rolls of greenbacks in his pocket for the part he has played. The fraud continues, and so the thing goes on. Sweep away all political interference with the offices; make the civil service as near as possible to the military, and with a discriminating judgment in making the first selection of officers to fill all the offices of trust and profit, from the highest to the lowest; fraud will hide its head and secret detectives will have to look for some honest way of making a living. I only wish I were present to talk with you instead of writing, but I presume you have much better counsel.

R. B. Noleman, collector of internal revenue 11th district, Illinois :

The present system of collecting by one general deputy seems to work satisfactorily to this office, but tax-payers in some instances complain at not having local deputies. In districts situated as this is, where we have more frequently to inquire who will accept, rather than who is the most competent, it is a difficult matter to adopt any system based upon merit and competency. I have but four subordinates—three deputies and one clerk—and none of these have been appointed or hold their situations from any other consideration than that of merit and qualification.

In the assessing department of this district there have been many changes, both of assessors and assistant assessors; and many of these changes have been made without reference to the qualifications of the incumbent or the applicant, but entirely from political considerations, which has necessarily caused a great falling off of the revenue in this district during the last year. You will find herewith annexed answers to some of your interrogatories, corresponding to the numbers in the same.

W. L. Burt, postmaster, Boston:

I think the plan proposed in interrogatory 33 would be a good one, with limitations, for the Post Office Department, and an equal amount of work could be accomplished by a less number of selected employes. I do not think that any higher grade of talent or any better quality of persons would be induced to enter the government service than under present arrangements. We get a good deal better material than we pay for. My men are all overworked and underpaid. Other departments, like the custom-house, with a third less hours, with nothing like of mind and body this office requires, receive double the pay. My office runs day and night, week in and week out, without interruption, including Sundays and holidays, and no person in it is one-half paid. My own salary does not cover the risk of loss alone. My bonds are nearly \$200,000, second only to the sub-treasurer's in this city. All my clerks handle money. My cashier receives and pays out between \$2,000,000 and \$3,000,000 yearly. My money-order clerks paid out upwards of \$100,000 in the month of December alone, and in sums of \$5, \$10, and \$20, and with odd dollars and cents, and so rapidly as to make it almost impossible to be accurate. The services required of the postmaster of the city of Boston, as performed by me, are not only a gratuity, but I actually pay for the privilege of rendering them. The salary received by the postmaster of Bangor, with two or three clerks, and with no such expense as an official in the city of Boston is subject to, is precisely the same as my own; and the city of Cambridge, with one-tenth the inhabitants of Boston, and no commercial business, and immediately adjoining the city of Boston, has four postmasters, two of them with salaries two-thirds as large as my own, and the united salaries of the four double the salary of the postmaster of Boston. The same inequality of compensation extends, I believe, throughout the department.

As to females, I have employed three, and their compensation is much lower than for males for the same service, and they are superior to the men in diligence, attention, and efficiency. If I had proper rooms in which to do my work, I would employ from one-third to one-half female clerks in this office, to the advantage of the department and the satisfaction of the public.

In answer to your last inquiry, I would say our civil service needs a thorough reformation. It should not be possible for a man to hold any office that is a mere sinecure, like the surveyor of the port or the naval officer in New York, Philadelphia, or Boston, and derive from it an income of \$50,000 or \$100,000 or more annually, and under offices of various kinds with similar results.

John Wilson, Third Auditor of the Treasury:

Question 37. State any matters which, in your judgment, would tend to make the civil service more efficient and economical.

Answer 37. As far as lies within the jurisdiction of this office, I have endeavored to state in my annual report some matters which, in my judgment, would tend to make the civil service more efficient and economical. (See Doc. 3, herewith, pp. 15, 16, 17, and 18.) The suggestion of commutation of pensions, with consent of the pensioners, on the principle somewhat of life annuities, would take more money out of the treasury at once, but would finally materially reduce the expenses of all the agencies, and ultimately close up that branch of business. Legislation that would prevent the payment of fraudulent claims, perpetuate testimony in such cases, and limit the time in which all claims shall be presented, would relieve the government from erroneous expenditures on that basis. All claims of the same general character should be passed on by the same tribunal to insure uniformity of decision, and legislation to that effect should be had. The Treasury Department should by law be made the exclusive financial agent of the government. To this end all supplies for the several departments should be purchased under existing laws, or such as Congress may pass hereafter for that object, by suitable officers to be designated for that purpose. Those officers should then certify the accounts for such articles furnished, with the contract, to receiving officers, designated by law, who should certify that the articles so purchased are of the quality, quantity, and price specified in the contract. The accounts thus certified to be sent to the proper department for administrative examination, and if approved, to be forwarded to the accounting officers, who, by law, have charge of the matter. If the accounts are found correct, and so stated by the proper auditor, and admitted and certified by the Comptroller, the amount so found due to be paid by the Treasurer of the United States, by draft, sent direct to the person who furnished the supplies. In this way the government would have vouchers for every dollar paid out, so far as the purchase of supplies is concerned, and there will be no risk of defaulting disbursing officers. Those officers will then only have property accounts to be adjusted, and there will be little or no risk of loss in those cases. This mode cannot be

adopted in paying officers, soldiers, and sailors, but a system might be adopted of dividing the country into districts, with a paymaster for each, &c., to whom the necessary funds could be transmitted by the middle of each quarter to settle up the liabilities of that quarter; said paymaster to be required to return his accounts and vouchers within ten days after the end of each quarter under severe penalties; no money to be sent to him for a succeeding quarter till such accounts had been rendered for the preceding quarter; and in no case should money be sent to *any* disbursing officer to a greater amount than is covered by his bond, the bond to be increased as circumstances may require, at the discretion of the Secretary of the Treasury, and under such rules and regulations as he may prescribe. The same remarks to apply to pension agents; and the signing of such bond by principal and sureties to act as a lien on all their property at the time the bond was given. Clear and judicious laws that would carry out these ideas would, in my opinion, materially accelerate the settlement of accounts, reduce expenditures, and avoid risk of loss of government money.

S. H. Devereux, collector of customs, Castine, Maine :

As matters now stand, a man *fights* his way into office; he spends long months of time, and generally all the money he has, and sometimes all that he can borrow. If he is successful he goes into his office, and if a man of strict integrity he will, of course, do as well as he can for the government, and do right. If he is not a man of integrity, he will think within himself that the office has cost him quite a large sum, and that he will probably be obliged to vacate the same in about four years, and now I intend to make the most of it. If he has other business he will hold on to it and carry it along with his official duties, and very likely he will pay more attention to his own business than he will to his office, and so the government receives but poor service oftentimes. If he is unsuccessful, he becomes soured against the government and against the party with which he has been associated, and perhaps he will never co-operate with the party again. The whole thing works against the welfare of the country. Every four years there is a bitter war about the offices. I think the present system is the source of more trouble in our nation than any one thing besides.

Let the officers of the United States be appointed during good behavior, and promoted according to their worth; let them have a salary sufficient for their support, and let it be fairly understood that if they do not conduct themselves uprightly and perform their whole duty they must leave and make room for better men; then, and not till then, there will be a much better state of things. Government officers would give their whole time and attention to the duties of their office, and they would, as a whole, be much more efficient. Let such a system be entered upon, and three-fourths of the bitter feelings and strife which we now have to endure every four years would disappear. Rebellion would not be so likely to show its head; and if it should, it could be put down in half the time. The army of office-holders which we *must* have in this country would be a steady stream, and would work well together for the true interests of the government.

I have been in this office about seven years. I have a large and extensive district, 75 miles of coast, with great facilities for smuggling and defrauding the revenue. I have devoted my whole time to the duties of my office, and think I now understand my duty well. I say that a new man *cannot* learn the business of this district in four years as he ought to know it. This being the case, of course the government will gain by appointing its officers during good behavior. Of course, I being already an officer, favor the new plan; but men who are in office ought to know best how things are working, and their judgment should be none the less valuable for holding office under the United States government.

Assistant Secretary W. S. Otto, of the Interior Department :

A very large amount of money is, in my opinion, lost to the government by the frequent changes that are made in the appointments of persons to other offices who have no acquaintance whatever with the duties thereof. On becoming sufficiently familiar with them, they are too often discharged without an imputation upon their personal or official integrity.

The salary paid to clerks whose duties are merely those of copyists is very liberal, largely exceeding that paid for similar services in any other walk of life, or, as far as I am aware, by foreign governments. In the higher branches of clerical duty, demanding something beyond mechanical labor and routine, the clerks are not sufficiently paid.

The Assistant Secretary and the heads of bureaus in this department are not proportionately as well paid as the clerks. There is a singular irregularity in their compensation. The Commissioner of Patents receives \$4,500 per annum, which is 50 per cent. more than is paid to either the Commissioner of Indian Affairs, the Commissioner of Pensions, or the Commissioner of the General Land Office. The duties of these last-named officers exact as much time and thought, and require as high an order of qualifications as do those of the Commissioner of Patents.

The disparity in the compensation of the heads of bureaus in this department and of officers holding corresponding positions in the War and Navy Departments, demands, in my opinion, the early attention of Congress. Every head of a bureau in the War Department receives, in pay and emoluments, more than a hundred per cent. greater salary than is paid to the head of a bureau in this department, except the Commissioner of Patents. It is idle to suppose that the duties of a Paymaster General or Quartermaster General are more arduous than

those of the Commissioner of Pensions, or the Commissioner of the General Land Office. These officers in the War Department receive the "pay and emoluments" of brigadier generals. I presume that the attention of Congress has not been called to the subject, or such a distinction would not be made between officers whose position in the public service gives them an equal claim upon the country.

Mr. Otto was a graduate of the University of Philadelphia, but was not examined and never pursued any special studies with a view of fitting himself for the office which he holds, nor did he produce any evidence of qualification. He has been circuit judge and held other State offices in Indiana, but had no other evidence of qualification, excepting that he alleges to have been known personally and by reputation to Ex-Secretary Usher, at whose suggestion he was appointed by President Lincoln.

He declares that there is no special printed book or manual setting forth the duties of his office.

He affirms that he makes no report to any one concerning the performance of the duties of his office.

He states that he confers habitually with the Secretary in regard to the business of the department, except that which relates to the appointment to office.

He affirms that under Secretary Usher, he (Otto) possessed the appointing power, and he expresses an earnest desire that the examination of each applicant should be thorough and efficient.

He avers that he does not know the previous occupation of his subordinates, and whether any of them pursued any course of study with a view of qualifying themselves for the service.

He believes that recommendations of the applicant are filed.

He is unable to state how many of the persons employed in the department of which he is the next in authority to the head, have served in the Union army and how many members of the press, and is also unable to state the various periods of appointment and the various ages of the employés, and "does not know" how many have been removed since he has been in office.

"He does not positively know" what the rules of his office are, but "has every reason to believe" that promotion is governed exclusively by seniority, all other "things" being equal. He admits that he wields no longer the appointing power under Secretary Browning, and that this, as well as the final question of promotion, rests with the Secretary, and with him alone. He is in favor of the suggested reform, but fails to make any suggestion or give any information in regard to his department, which controls the Patent, Land, Census, Pension, the Indian and other important bureaus.

He declares that a very large amount of money is, in his opinion, lost to the government by the frequent changes that are made in the appointment of persons to other offices who have no acquaintance whatever with the duties thereof. On becoming sufficiently familiar with them they are too often dismissed without an imputation upon their personal or official integrity.

S. M. Clark, Chief of Division Currency Bureau, on the present mode of examination :

6. I was referred for examination in August, 1856, in this department, to a board of examiners appointed by the Secretary of the Treasury, consisting of Mr. Rodman, then chief clerk, and Major Barker, and Mr. McKean, two prominent fourth-class clerks. The "full particulars of such examination" were as follows: I was instructed by the then Secretary to appear before this board at a given time and place to be examined. I put in my appearance at the time and place stated in my instructions. Major Barker commenced the "examination" by saying: "You are from New York, I believe, Mr. Clark?" I replied that I was. He then commenced a detailed narrative of his first visit to New York, and gave me an interesting and graphic account of the disturbance created in his mind by the "noise and confusion" of the great city. The delivery of this narrative occupied, as nearly as I remember, about half an hour. I listened to it attentively, endeavoring to discover some point in his discourse which had reference to my (then present) "examination." I failed to discover any relevancy, and therefore

made no reply. At the close of his narrative, without any further question, he said to his associate examiners, "Well, gentlemen, I presume there is no doubt but that Mr. Clark is qualified." Whereupon they all signed the certificate, and my "examination" closed.

C. S. Phillips, assessor internal revenue second district, Pennsylvania :

In my opinion the head of every department should give undoubted evidence of his fitness for the position. I do not think that such fitness can only be acquired by rising gradually from the lowest to the highest grade. I do not think that such a system would work well. New men of the necessary qualifications, and of well-known character in the community in which they live, should be appointed to the head of each department. An efficient chief makes efficient subordinates.

In all public offices I believe an equal amount of work could be done, and better done, by a less number of persons than are employed.

It is impossible briefly to give a full opinion of the merits and demerits of the system embraced in this inquiry. Fresh men, taken from the walks of active life, infuse more energy into an official department than men who have always lived in it. The latter are apt to become listless and indolent. It is the nature of the man who lives for a long time upon a fixed salary to become so. Care should be taken in selecting the heads of the different civil departments in the State. Political influence ought not be the sole or chief recommendation. A board of well-known merchants or business men, in each congressional district, might be selected, who should examine and pass upon the merits and qualifications of the candidates. The heads of the departments should be held strictly accountable for their subordinates.

Hon. J. M. Brodhead, Second Comptroller Treasury :

The least diligent and efficient appointees are those who have strong political backers or influence in Congress especially, and who are thereby emboldened to neglect their duties. The efficiency of the service would be increased by the adoption of the system suggested in the 33d question, and an equal amount of work could be accomplished under such a system by a less number of persons than are now employed. A higher grade of talent, and a better quality of persons could be induced to enter the government service if promotion were granted only to seniority or merit, and no discharge permitted except for cause.

The same system would also promote the efficiency of the female clerks. They have 25 per cent. less than a first-class clerk. In diligence, attention, and propriety of conduct they are superior to clerks of the other sex, and in efficiency they compare favorably with them, considering the difference in pay. I have too much respect for women, however, to be in favor of employing them in public offices.

I have not time to go in the general subject of the civil service, but believe that my own office would be rendered more efficient by the transfer to it of competent clerks from the offices of the respective Auditors, whose work is subject to the revision of the Second Comptroller, so that no original appointment should be made to this office. As it now is an inexperienced clerk, just appointed from the mass of the people, may be set to revise the work of experts, and the freshly indentured apprentice is required to detect the errors and perfect the work of the master workman. The salaries should of course be larger, so that the transfer would be a promotion; but fewer clerks would be required, and the expense would be no greater.

E. S. J. Nealley, collector of customs, Bath, Maine :

Thinks that the system indicated would insure a more efficient and economical performance of the civil service. He adds as follows :

The simplification of the revenue laws, and the condensation of the different acts pertaining to navigation and collection of the revenue into one harmonious code together, (if practicable.) A more stable and unchanging system of accounts and reports to the Treasury Department would also tend to insure accuracy and clearness in the understanding and execution of the laws, and require less labor in the custom-houses.

F. W. Swift, postmaster at Detroit, Michigan :

Emphatically indorses the proposed reform, and declares the *uncertainty* of appointments under the present system to be the great curse of the service, debarring many whose services would be *very* valuable, this being especially the evil in the postal service, and which should be remedied.

Hon. E. A. Rollins, Commissioner of Internal Revenue :

Almost all appointed with regard to political or personal considerations.

33. The efficiency of the service in this manner would be very much increased, though I doubt if all new appointments should be made to the lowest grade only until the service should be somewhat redeemed from its present condition.

34. It could.

35. Undoubtedly

36. There are. The females are employed only as copyists, and females only are thus

employed. In this service they compare, favorably, I think, with males for diligence, intelligence, and efficiency. Their efficiency, however, would be improved in the manner suggested.

38. There is very great difficulty. The service is full of officers appointed with too little regard to personal integrity or actual ability. I respectfully refer you, in this connection, to so much of my last report to the Secretary as relates to the civil service and which is herewith attached.

39. Appointments and promotions with less regard to political service and only upon competitive examination.

40. Immense gain to the revenue under existing laws.

41. Under the present system delinquencies in subordinate officers are not certain to be reported, because those whose duty it is to detect and report such delinquencies—the delinquencies, for instance, of assistant assessors—are oftentimes as inefficient as the delinquents themselves.

42. To a very great extent.

43. I annex herewith a statement showing the amount collected on distilled spirits in each collection district in the United States for the fiscal years ending June 30, 1865, 1866, and 1867.

44. The subject is very largely engrossing the attention of the Ways and Means Committee of the House of Representatives, but the receipts which the government should derive from this tax can only be derived through officers of integrity and ability. Legislation can do something, but more depends upon the character of the men who administer the law.

45. I cannot answer this definitely nor even approximately, but much more, I have no doubt, than the present receipts from distilled spirits.

The efficiency of the service, in this manner, would be very much increased, though I doubt if all new appointments should be made to the lowest grade only until the service should be somewhat redeemed from its present condition. * * * An equal amount of work could be accomplished under such a system by a less number of persons than are now employed. * * * If the employment was assured and certain, and promotions granted only to seniority or merit, and no discharge permitted except for cause, a higher grade of talent and a better quality of persons would, no doubt, be induced to enter the government service.

The following is the report relating to the reform of the civil service, contained in the Commissioner's annual report, lately presented to Congress :

There is no question of a higher personal interest to every faithful revenue officer, nor one of hardly greater importance to the public, than that which relates to the recovery of the revenue service from the reproach under which it has fallen. The failure to collect the tax upon distilled spirits, and the imperfect collections from several other objects of taxation, are attributable more to the frequent changes of officers, and to the inefficiency and corruption of many of them, than to any defect of the law. I write this in the advocacy and the defence of every worthy, honest officer, but I write it with shame. The legal evidence of its truth may never be found, but the moral evidence is patent to every thoughtful observer. The law can never be thoroughly enforced except in those districts where the officers, both principal and subordinate, in the revenue and judiciary departments alike, are earnestly determined that it shall be, nor except when the combined and active hostility of all those against whom it is enforced shall be insufficient for the removal of any officer opposed to their plunderings. The dishonesty of an assistant assessor, or an inspector, whose offences cannot be discovered, prejudices the efficiency and good standing of all his associate officers of every variety, and the community, ignorant of the exact nature and locality of the evil, ascribe to it undoubtedly a wider and more general existence than it really possesses. I honor more and more the officer who yields neither to temptation nor threats, and to him it is due, as it is due to the country, that the revenue service be rescued from the control of purely political favor, which has for many years too largely dictated the appointments in most departments of the government, and that it be more thoroughly interwoven with the highest interests of the treasury. Men should be appointed to place because they are needed, and because they are qualified, not because they are out of employment, and are the supporters of a political party or person. They are not thus employed in banks, counting-rooms, and factories. Every community has a right to expect and to require that the persons intrusted in it with important interests pertaining to the general government shall have earned its confidence in their integrity and ability.

The evil is inherent in the manner of appointments, and lies deeper than the present supremacy of any political party. Assessors and collectors are appointed by the President with the confirmation of the Senate. Their subordinates, except deputy collectors, are appointed by the Secretary of the Treasury, and under the long-continued practice of the department, upon the recommendations of the assessors and collectors of the districts where service is to be rendered. Political pressure, and combinations born of corrupt and corrupting purposes, too often remove and appoint assessors and collectors, and they in turn, while making recommendations for their inferior officers, are surrounded and overborne or deluded by politicians, or whiskey operators disguised as such. Their tenure of office, when

secured, is uncertain and feeble, seeming to be strengthened rather by concessions to wrong than by exacting the rights of the government. This is not so in any other civilized and important nation on the earth. They have all passed through our present experience, and it will be fortunate for us if we shall profit by their example.

It is not within the purpose and scope of an annual report to consider at length the civil service of other countries, and indeed it was so fully detailed in the report of the Joint Committee on Retrenchment during the last Congress, and the necessities of this country in this behalf so fully portrayed, that little more need be done by me, perhaps, than to invite the attention of the Secretary of the Treasury to the report itself, with its accompanying papers, and to the remarks of Mr. Jenckes, of Rhode Island, upon its introduction to the House of Representatives. The subject, however, is of such vital importance to the interests with which I am charged, that I cannot forbear a brief reference to its controlling and principal features in several countries with whose institutions we are most familiar.

British statesmen had learned wisdom from the necessities of the distant colonial dependencies of the kingdom, and the character of its civil service had long been improving, but it was not until the famous order in council of May 21, 1855, that the patronage of the Crown and its officers at home was partially limited to those who should successfully pass the examination of the civil service commission then established.

The system is not so comprehensive as that of several countries on the continent, but its advantages are growing more and more apparent through all the departments of the government. There are in fact two examinations, one to determine whether a person has the minimum or standard qualification necessary to candidacy, and the other of a competitive character, in which all the candidates designated for a particular position participate. He who secures the greatest number of marks indicating degrees of proficiency, both in theoretical and practical acquirements, provided he has done well in all, receives the appointment. The commission, however, have a well established rule that "unless we are satisfied with the evidence produced of the moral character of candidates, we are bound to withhold our certificate. The number of persons rejected will suffice to prove that these precautions are by no means superfluous, even though the candidates are in most cases recommended by persons of some position in society."

The marks are published with the list of appointments, and the applicants and the public are made acquainted with the actual and relative standing of all who become connected with the service. A candidate must be free from debt before appointment, and must make solemn oath that neither he nor any person for him within his knowledge has, directly or indirectly, given or promised to give any gratuity or reward for obtaining, or endeavoring to obtain, him a position. Any officer arrested for debt is suspended, and, if not free from debt at the end of twenty-eight days, is superseded. The elective franchise is denied to all officers of the service. Promotions are made only after prescribed periods of employment, and only upon the application of the candidate himself. Should another make application for him, and he not be able to show that it was without his knowledge, he is punished for the offence by a reprimand; for the second of a like nature, by transfer; and for the third, by reduction. Promotions are earned, not given through favor, and are indicative of absolute merit. Officers are liable to be transferred to any place in the kingdom, and although periodical transfers are discontinued, the board reserves the right to transfer at pleasure without ascribing cause therefor. There is permanency in the service. Removals of those immediately connected with the inland revenue are never made for personal or political reasons.

I have examined a register of those now employed, and while I have not made an accurate calculation of their average period of service, because of want of time necessary to do so, I am sure that it cannot be less than fourteen years. Many have served from 20 to 40 years, and a comfortable support is secured to all who shall be placed upon the superannuated list. Mr. Timm, after a long and honorable service as solicitor to the commission, has recently retired upon a pension of £1,800 per annum, and Mr. Trevor, from that of controller of legacy duties, upon an allowance of about £1,500, after a consecutive service of 41 years and five months. As many changes have been occasioned in the British service during the past year by death as by all other reasons combined.

The French revenue system is the result of nearly a hundred years' experience. Every officer in it below the minister of finance commenced his service in a clerkship or some more subordinate position, and the advancement which his fidelity and ability secured has never been hindered by political frowns or even by political revolutions. His appointment was without partiality, and public examination has awarded him his promotions.

For more than fifty years a semi-annual record has been kept of every man's official conduct as reported by different superior officers. This is a testimony and encouragement to faithful effort, and a security against malicious and unfounded charges. Under such a system it becomes almost impossible for an unworthy man to work his way to a position where his incompetency or his corruption can largely prejudice the reputation of the service or materially affect the revenue of the empire. Indeed, the corruption of an officer in France or England, or anywhere else where a proper system determines appointments, very rarely exists.

The civil service of Germany is superior to that of England or France. Throughout the entire confederation special education is added to the requirements elsewhere made of moral fitness, and a certain measure of attainments tested by competitive examinations. As with

us there are normal schools for the preparation of teachers, and academies for those who are to officer our army and navy, so there are in Germany, at public charge, schools and universities for the special and appropriate education of those who are to become connected with the public administration of the laws. The higher the standard of requirements has been raised, the larger has been the number of aspirants for employment, because the elevation of the character of the service itself has persuaded men of the highest position and attainments to offer themselves as rivals for its honors and its emoluments. The prominent and enviable position which Prussia has won among nations is due not more to the character of her people and the natural resources of the kingdom than to the careful preliminary training of those in the several departments of the government to whom her resources are intrusted, and whom she keeps in her service as long as they are worthy of her trust.

I am aware that the peculiarity of our institutions, and the fact that all political parties have learned to expect much actual service from their office-holders, may prejudice, and for a time prevent, in this country, the adoption of a system as universal and valuable as that of Germany, but the Constitution itself has elevated the national judiciary above the fluctuations of popular favor by appointment during good behavior, and there is equal need that revenue officers shall exercise their judgment and execute the law without fear of personal disadvantage. The rights of property adjudicated by all the courts of the country, State and national, in a single year are of small amount when compared with those which are passed upon in the various revenue offices during the same period.

O. L. Mann, collector internal revenue, first district, Illinois, is of the opinion :

That the efficiency of the civil service can be greatly increased by the adoption of a carefully arranged system of examination of candidates for appointment to government offices and a plan for promotion for meritorious services.

T. Moonlight, collector of internal revenue, Leavenworth, Kansas, declares that the system proposed is the keystone of the contemplated reform.

St. John B. L. Skinner, First Assistant Postmaster General :

If the civil service should be placed on a permanent footing, with appointments only on examinations and entering at the lowest grade, with a discipline approximating to that of the naval and military service, on a plan somewhat similar to the one proposed by the Hon. Mr. Jenckes at the last session of Congress, I doubt not the service would be greatly improved.

Collector Pope, internal revenue, Sigourney, Iowa, thinks the proposed system the best that could be adopted, because it will secure the appointment of competent persons, disregard the representation of "rings" or cliques, and make removals "only upon proven charges of incompetency or dishonesty."

Homer Franklin, assessor internal revenue, New York, thinks the proposed system would increase the efficiency of the service and an equal amount of work certainly be accomplished under such a system by a less number of persons, and that if employment was assured and certain, a higher grade of talent could be induced to enter the government service and *at less cost*. He adds :

I have long believed that the uncertain tenure of office is the most prolific source of corruption, both to officials and the public, and that no law can be framed that will be effective with corrupt ministers. Man is a creature of motive, and the strongest one is to get food and clothing. Assure him of these, and you withdraw any motive for him to look elsewhere. I am certain that my district could be better worked at one-half the present expense had I around me one-half the number whom I could select, if left alone to follow my judgment. It is a singular fact that some of my *worst—most worthless*—men are put upon me by recommendations from those so high in life that I sometimes blame our public leaders for the uses to which they lend their names. Armed with these certificates of every moral excellence, the veriest loafers are foisted into positions of trust, when perhaps the men who sign them would hardly trust the individuals to black their boots.

United States Treasurer Walton, New Orleans :

I believe that if such a system as that stated were faithfully carried into effect, and the same principles applied to it as govern commercial houses, the work could be done by *one-half* of the present officers.

Hon. F. E. Spinner, Treasurer :

23. -Forty-seven of my subordinates have served in the Union armies ; one in the United States navy ; quite a large number, including females, in army hospitals. Nine have been associated with the press. There are different grades of efficiency among them in the same class. The pay of the several classes is now \$1,200, \$1,400, \$1,600, and \$1,800. Interme-

mediate classes of \$1,300, \$1,500, and \$1,700 would more equally distribute the pay according to service.

24. Of the employés in this office there were appointed—

During the years 1866 and 1867.....	100
During the years 1864 and 1865.....	119
During the years 1862 and 1863.....	48
Over six and less than ten years ago.....	10
Over ten and within fifteen years since.....	3
In the office over fifteen years.....	2
Total in office December 31, 1867.....	<u>282</u>

29. I am not aware that any of my subordinates pursued any course of study before appointment with the special view of qualifying them for the service; that they were taken indiscriminately from the various employments of civil life is evidenced by the following list of their previous occupations, viz: 7 accountants, 13 bankers, 18 bookkeepers, 27 clerks, 1 detective, 2 druggists, 1 editor, 5 farmers, 1 hackdriver, 1 housekeeper, 1 hotel steward, 16 laborers, 1 lawyer, 1 machinist, 1 manufacturer, 8 mechanics, 14 merchants, 2 messengers, 1 minister, 1 page, 1 porter, 1 postman, 2 salesmen, 1 sculptor, 12 students, 1 surveyor, 24 teachers, 2 telegraphists, 1 county treasurer, 1 waiter, 1 washerwoman, 1 watchman, and of no particular occupation, 112; total number, 282.

32. The class of clerks that have the strongest political and other written recommendations are generally the "least diligent and efficient." Such are apt to place all hope of promotion on such recommendations, and seem not to think it necessary to be over attentive to the public business.

33. As a whole it is probable that "the efficiency of the service might be increased" by the course indicated in this question. But, in this office, the duties of the clerks are so diverse that it often happens that men fitted for a particular place can be had from the outside who better answer the requirements of the place than any one holding a lower grade in the office.

34. Am not prepared to say that "an equal amount of work could be done" by "a less number of persons" under such a system alone, but such a reorganization could be made as would certainly bring about such a result.

35. If "employment was assured and certain," and if promotions were made *only* on merit, the efficiency of the service would, no doubt, be greatly promoted thereby. But if such promotions were granted "to seniority only," the efficiency of the service would, in my opinion, be greatly damaged thereby. The power to withhold promotion or to dismiss for cause should not be impaired.

36. The compensation of the female clerks in this office bears about the proportion to that of male clerks for the same service as three to five. There is little difference between the two in regard to diligence, efficiency, and attention to the business of the office. The efficiency of the female clerks would be greatly promoted if they were classified according to merit only. Some female clerks are now equal to some males; yet, under present laws, some male clerks receive double the pay of any female clerk. Some female clerks do more than double the work of some others, yet all of them are paid the same salary.

37. With competent men at the heads of the various departments and bureaus of the government, the efficiency of all of them is assured. With incompetents in these positions, inefficiency must follow. Where a head is wrong, the whole body will be wrong; and no amount of legislative physique can give vigor and efficiency to a body that has a weak or an inefficient head.

G. N. Stevenson, collector of internal revenue, Aurora, Indiana, after expressing his approval of the proposed reform, and after stating that he is in favor of adopting the same system for the civil service as that governing the army, explains as follows:

I have no comments to make further than to explain my answer to question 33 in so far as it relates to the test by which qualifications for office should be determined. I think the test should not be a strictly educational or theoretical one, and that a general knowledge of business, and particularly of such business as may be similar in its details to that of the office to which an applicant may aspire, should have fully as much weight as theoretical acquirements such as are obtained by a course in a collegiate or commercial institute. In proof of this position, I would state that two of my subordinates best prepared to stand an examination like the one last alluded to have proved to be of the least account.

W. Kellogg, collector of customs, New Orleans, declares that no improvement in the civil service can be expected unless the proposed system is adopted.

H. I. Anderson, Sixth Auditor, believes that the proposed system would

probably, to some extent, have the effect of increasing the efficiency and economy of the service, but adds that—

With the present rate of compensation to the lower class of clerks, I apprehend that it would be difficult to obtain a very high grade of talent for those places, unless the classification was so changed as to provide a larger number for classes three and four, being the two highest classes. Referring particularly to this office, the promise of promotion is so slow, that the lower classes of clerks get discouraged, and such of them as can find other employment resign their places. In this way we lose many of our most valuable clerks.

John Wilson, Third Auditor, Treasury Department:

Question 33. Suppose all new appointments were to be made in the lowest grade only, and out of candidates who shall give evidence of their fitness for appointment by passing a rigid test examination, conducted by competent persons, and that no promotions should be made to a higher grade unless the candidates for promotion should pass a similar test examination for such higher grade, would not the efficiency of the service be thereby increased?

Answer 33. Precisely the course suggested in this question is pursued in this office, except that candidates for higher grades are selected because of their superior talents and general excellence in the discharge of their duties. This is a much safer basis of promotion than any test examination; and, in my opinion, all appointments should be made in the first class, and all promotions be made on merit alone, as the hope of reward is the best stimulus to exertion in a well-balanced mind. Such are our rules here, simply to secure the greatest efficiency in the official corps.

Q. 34. Could not an equal amount of work be accomplished under such a system by a less number of persons than are now employed?

Q. 35. If the employment was assured and certain, and promotions granted only to seniority or merit, and no discharge permitted except for cause, could not a higher grade of talent and a better quality of persons be induced to enter the government service?

A. 34 and 35. The answer to this question (34th) substantially is given in the answer to the 33d question, and to the 35th I reply there is no doubt that such a system would secure higher grades of talent and a better class of persons in the government service. It would establish and promote a proper *esprit de corps*, in which every member would be interested, and which each and all would be proud and anxious to sustain.

Q. 36. Are there any females among your subordinates? If so, state what proportion their compensation bears to that of males for the same service; whether they compare favorably or not with males for diligence, attention, and efficiency; and whether the general efficiency of the class would not be improved by a system of appointment for competency alone, and promotion from merit or seniority, or retention in office during good behavior.

A. 36. There are 15 female clerks in this office, who receive about 75 per cent. of the amount paid to male clerks for similar service, with whom they compare favorably for diligence, attention, and efficiency. As they are chiefly copyists, the only examination that should be required is of their penmanship and spelling. It is difficult to determine the best method of increasing the efficiency of these employes. In my opinion, they should receive precisely the same compensation as is paid to male clerks for similar duties; should be promoted to positions and duties suited to their sex and abilities, and receive the compensation ordinarily affixed to the duties they may be called upon to perform. Perhaps mere copyists should be paid by the hundred words a fair compensation, and then each would receive full equivalent for her service, the rate to be fixed so as to enable a good copyist to earn \$1,200 per annum.

Henry A. Grant, collector of the internal revenue of first district, Hartford, Connecticut, after indorsing emphatically the proposed reform, makes the following suggestion:

My department of the civil service being collector of taxes only, I can speak only of that branch of the service and the two articles which have given me the most anxiety and trouble, viz: distilled spirits and tobacco. My opinion is a direct tax on the capacity of the still and on the leaf tobacco would more than quadruple the amount of taxes on each of these articles.

The following suggestions are presented by instruction and under authority of Mr. Attorney General Stanbery:

(A.) In each bureau of the government an officer, with a tenure during good behavior, (who might be called a superintendent, director, or other name,) whose duty it should be to supervise the working of the system of business therein, under the command of the chief of the bureau. The present chief clerks occupy a position somewhat similar; but a precarious tenure is naturally opposed to regular, rigid, and complete system. Either the clerks would find their true level under such a supervision, or else the head of the office must bear a visible personal responsibility.

(B.) All clerks divided into two classes, viz: permanent and probationary. All permanent clerks to be of one grade, of a salary much higher than the present average. No appointment to be made in any case but from probationary clerks; after a certain period of probation.

(C.) These to be appointed as all clerks are now appointed, and to receive a specific and equal compensation, say half as much as clerks. But their employment to cease at the pleasure of the appointor, and in all cases after one year's continuance. To be eligible for a second, probably a third, probation.

(D.) With some hesitation I add that the appointment of a person on probation, with his name and that of the persons on whose recommendation he was selected, might be published. The latter would work much good, but doubtless some evil. If a board could be useful in any event it might determine appointments to the probationary class.

I think it highly probable that more perfect system and a better *personnel* in the offices would make it practicable to conduct the public business *better* with much *fewer* clerks; I almost venture to believe, with one-half the present number. A very large proportion of the labor is now, substantially, only to check a carelessness or dullness not provided for in private business establishments.

Joseph H. Barrett, Commissioner of Pensions, with about 1,500 persons under his control, declares that an examination is made by his subordinate officers of new appointees, but fails to give detailed particulars of such examination. He admits that not one of the persons under his control pursued any special studies to fit himself for his duties. He is, on the whole, in favor of the proposed reform, and thinks that under the suggested system an equal amount of work could be accomplished by a less number of persons and a higher grade of talent and better quality of persons be induced to enter the government service.

C. S. Franklin, acting naval officer, New York, thinks the proposed reform should be adopted beyond peradventure, and declares that if permanent employment and promotion were awarded to merit or seniority, and no removals permitted except for cause, the axe would thereby be applied to the very root of that "upas tree" by which the efficiency of the revenue service is now poisoned into a torpor resembling death.

W. C. Flagg, collector internal revenue, Alton, Illinois, thinks—

The civil service could be improved by the three following steps, *taken together*:

1. Increasing salaries and making them fixed, not contingent at least on matters beyond the control of the officer.
2. Severe tests of ability and integrity applied to all applicants, and statedly to all incumbents.
3. A wider margin of discretion to officers so approved, that the spirit rather than the letter of the law might be executed.

Collector of customs, D. B. Owen, Cape Vincent, N. Y.:

The office I hold is now and always has been a political office, and is seldom retained by the same person for a longer period than four years. Every change in the administration at Washington almost invariably brings around the removal of the collectors of customs throughout the entire country. Being thus purely a political office, it is clearly evident that very often good and efficient men are removed to make way for others whose chief qualifications consist in great political influence. A new collector, controlled by those who aided him in his efforts to secure the appointment, is in turn compelled to discharge all or nearly all of the subordinates employed by his predecessor in order that he may satisfy the claims of his political friends. Dependent on them, as he was, for the office secured, he cannot act in the matter of subordinate appointments independent of them.

The practical result of such a system is that real merit and conceded ability are lost sight of in the scramble for positions by successful partisans. There is no standard to which men can conform and thereby retain positions for which they have become specially fitted by reason of long and faithful service. The operation of this political rotation in office is most injurious in its effects for the reason that no examination precedes a new appointment, and a man totally unfit to assume the responsibilities of a collector often secures a place which was acceptably filled by a valuable officer. Hence small inducements are offered to men possessed of proper qualifications, under the present system, to seek the collectorship, inasmuch as the salary paid such an officer is less—excepting in comparatively a few commercial centres—than what he could realize out of some stable business pursuit. As it is, confusion invariably follows the appointment of a new collector of customs.

The duties pertaining to the position are of such a peculiar and intricate character that men who have shown much ability in other pursuits frequently fail in this. Only those who have given the subject careful study can correctly estimate the importance of this consideration.

The import duties of the United States constitute no small portion of the revenues of the government, the collection of which involves a vast expenditure. Economy in its collection, as well as the firm and wise enforcement of the laws, is the object sought in framing laws amendatory to those under which the revenue is now collected. Few candid observers will deny but that the present enormous expense attending the collection of import duties and the prevention of illicit trade with foreign countries could be materially reduced by the inauguration of a new system in the appointment of collectors whereby the same would be placed beyond the reach of political parties and the term of office extended to ten or fifteen years or during a satisfactory administration of the duties of the office.

In briefly presenting these important considerations, I am painfully conscious of my inability to present any plan which will obviate the defects of the present system of selecting collectors of customs and their subordinates, as well as the length of time they should retain their offices; and yet, having considered this matter seriously, in the light of several years' experience, I will comply with your request and offer a few suggestions as the fruits of my reflections on this subject.

1st. Every candidate for the position of collector of customs should be carefully examined before a competent board with reference to his general qualifications for the office, and embracing particularly his knowledge of the duties of the office, the revenue laws, and the practical workings of the system.

2d. No dismissals of subordinates should take place except for incompetency or malfeasance.

3d. A grade should be established, so that faithful subordinates, after four years' service, should receive a small yearly increase in their salaries, thus encouraging them to remain in the government employ and more thoroughly discharge their duties.

4th. The term of office should either be ten or fifteen years or during the faithful and competent discharge of official duties.

That a law embodying similar views to those above suggested would prove to be a great national blessing I have no doubt. Grave defects exist in the present system. The manner of appointing important officers is open to the most shameful abuses and also to the severest criticisms. Under its operations, those who succeed in obtaining positions as collectors of customs, and prove themselves valuable government agents, are allowed to serve in a position they so creditably fill only for a brief period. Men of character and eminent abilities are loath to seek the position of collector of customs under the present *régime*, owing to the fact that at the end of four years he is almost certain to be superseded, thrown out of employment, and, in a great degree, unfitted for other pursuits. What is true as relates to the collectors of customs applies with equal and even greater force to his subordinates. Demoralization in the collection of the revenues breeds distrust in financial circles and tends to weaken public morals. Our financial system is of vital interest to the future welfare of the American Union. Prudence, as well as the lessons of history, teach us that wise and mature deliberations can alone work out needed and far-reaching reforms.

With a profound sense of the incompleteness of the ideas herein expressed, and also feeling that they will be of little service to your committee, they are, however, respectfully submitted.

Stephen J. W. Tabor, Fourth Auditor, states that all new appointments in his office are made in the lowest grade only. They are promoted because they have given evidence of their fitness. But he must answer the inquiry (33) in the affirmative.

Some additional regulations in accordance with the idea set forth in No. 33, but more ample, would have the effect of accomplishing an equal amount of work by a lesser amount of persons than at present employed, as suggested in query 34. To the query 35 he replies—

Most assuredly, and this is beyond question the true principle. Faithful and competent clerks should at least have the same certainty of employment that professional men, tradesmen and mechanics do outside.

Replies affirmatively to the query (36) whether reform should be applied to females as well as to those of the other sex.

In conclusion he states as follows :

I think an arbitrary examination of a technically scholastic character applied to other clerks and other employes of the government who have learned their duties at their posts, and who are competent for their performance, would be unjust and detrimental to the public service. The experience of a clerk is of great value. That, united to sound sense and good natural parts, makes a clerk excellent. Any rule, no matter how stringent, may be adopted for new applicants, but clerks who are actually performing their duties in the best manner should not be displaced because they are not versed in the learning of the schools.

Summary from reports from this office.

The annexed table, collected from the Fourth Auditor's reports, shows a falling off in business in seven divisions of his office of nearly one-third of the total amount of accounts settled in 1866 and 1867 (\$76,576,675 65) as compared with preceding year, while there has only been an increase of business in one division, leaving a balance of falling off of business of \$10,973,456 52.

While it appears that one additional clerk is required in the one division (naval agents' disbursements) in which there was an increase of business to the extent of \$22,800,702 10, it does not appear that there was any reduction of force in the other seven divisions, in which the decrease amounted in the aggregate to \$33,774,158 62.

In the face of this falling off it is, on the contrary, surprising that 11 new clerks should have been appointed in 1866 and 1867. The forces under his control at the present seem to be larger than they were at any time previous to his accession to office, (1863,) 59 persons having been appointed since that period, and only 18 dismissed.

Falling off in the business of the Fourth Auditor's office.

Letters received in 1865 and 1866.....	70,117	
Letters received in 1866 and 1867.....	36,321	
Decrease.....		33,796
Letters recorded in 1865 and 1866.....	97,088	
Letters recorded in 1866 and 1867.....	68,152	
Decrease.....		28,936
Allotments registered in 1865 and 1866.....	3,043	
Allotments registered in 1866 and 1867.....	1,820	
Decrease.....		1,223
\$45,983,986 03 { Cash requisitions, 1865 and 1866.....	\$45,983,986 03	
{ Cash requisitions, 1866 and 1867.....	34,518,733 85	
Decrease.....		\$11,465,252 18
8,948,593 03 { Cash refunding req'tions, 1865 and 1866.....	8,948,593 03	
{ Cash refunding req'tions, 1866 and 1867.....	2,208,006 13	
Decrease.....		6,740,586 90
2,599,269 30 { Prize money, 1865 and 1866.....	2,599,269 30	
{ Prize money, 1866 and 1867.....	1,042,099 56	
Decrease.....		1,557,169 74
4,100,276 24 { Navy pensions, 1865 and 1866.....	4,100,276 24	
{ Navy pensions, 1866 and 1867.....	1,228,242 25	
Decrease.....		2,872,033 99
46,724,957 34 { Paymaster divisions, 1865 and 1866..	46,724,957 34	
{ Paymaster divisions, 1866 and 1867..	36,331,198 33	
Decrease.....		10,393,759 01
797,752 49 { General claims, 1865 and 1866.....	797,752 49	
{ General claims, 1866 and 1867.....	598,347 45	
Decrease.....		199,405 04
\$109,154,834 43		\$33,228,206 86
572 clerks, navy agents, 1865 and 1866,		
account 441 vouchers, 113,554.....	54,657,975 99	
672 clerks, navy agents, 1865 and 1867,		
account 52 vouchers, 184,900.....	77,458,678 09	
Deduct increase.....		22,800,702 10
1,195,999 84 { Allotments, 1865.....	1,195,999 84	
{ Allotments, 1866.....	650,048 08	
Decrease.....		545,951 76
\$110,350,834 27	Decrease as against 1865 and 1866.....	\$10,973,456 52

SUMMARY.

Transactions in 1865 and 1866 in all divisions.....	\$110,350,834 27
Decrease in 1866 and 1867 in seven divisions.....	33,774,158 62
Transactions in 1866 and 1867 in seven divisions.....	76,576,675 65
Business transacted in 1866 and 1867 in the eight divisions, (increase against 1865 and 1866 \$22,800,702 10).....	77,458,678 09
Total business in 1866 and 1867.....	154,035,353 74
Decrease as against 1865 and 1866.....	10,973,456 52
Total business in 1865 and 1866.....	165,008,810 26

Total forces January 1, 1868, 92. Estimated salaries \$150,000, for the transaction of business amounting in 1866 and 1867 to \$154,035,353 74, but steadily decreasing.

W. L. Burt, postmaster, Boston, thinks the plan proposed a good one, with limitations for the post office department. He declares that—

Our civil service needs a thorough reformation. It should not be possible for a man to hold any office that is a mere sinecure, like the surveyor of the port or naval officer in New York, Philadelphia, or Boston, and derive from it an income of \$50,000 or \$100,000 or more annually, and under offices of various kinds with similar results. Why should the United States marshal of any district like New York or Boston reckon his net receipts by hundreds thousands of dollars annually, or even for his four years of service? And invariably men are selected for these offices without reference to capacity or fitness. Formerly the postmaster of Boston must have derived from the office an income of from \$12,000 to \$15,000 annually, but now there is no compensation directly or indirectly except the salary. The box rents alone in my office, which formerly belonged to the postmaster, amounts to between \$25,000 and \$30,000 annually. The compensation, in addition to a fixed salary, should always be graduated by a percentage upon the amount of pecuniary liability incurred and the amount of business performed in each individual office. This would at once remove the inequalities in my department, that is, the post office department; and if the money that is now paid was properly apportioned, every postmaster could be amply paid for his labors.

T. Wilkins, collector of customs, Erie, Pennsylvania, declares as follows:

Since I have held the position of collector my experience has sustained me in the opinion that the duties of a revenue officer are so far professional that their proper administration depends as much upon the knowledge derived from study and continued experience as does a successful practice at the bar.

Hon. T. Russell, collector of customs, Boston:

I have nothing to add to the above except to repeat my firm belief that the civil service would be more efficient if every appointment and promotion were preceded by a rigid test examination, and that such appointments should depend wholly on the result thereof, provided that no persons should be admitted to examination without preliminary proof of good moral character satisfactory to the appointing or nominating power. Besides this good effect the appointing officer would be relieved from the almost incessant solicitations of applicants and their friends who now harass officers having the power of appointment, and which in my own case consumes much time which ought to be devoted to the legitimate business of the office.

C. M. Walker, Fifth Auditor of the Treasury:

The "civil service" cannot be made a career so long as the principle of rotation in office obtains, nor while the maxim of to "the victors belong the spoils" is followed. It will, in my judgment, be a fortunate day for our government when both these principles are discarded, when merit, fidelity, and capacity shall govern in all appointments, and when the civil service shall be made to approximate what it is under other civilized governments, viz: *a career*. * * * New appointees are frequently placed over the heads of old ones by reason of superior talents, competency, or qualifications. *Mere* length of service is not conclusive as to a man's qualifications; for he may have been a mediocre man to begin with, and a new man may be far more deserving of promotion. There can be no question but that the efficiency of the public service would be increased by some reform substantially like that suggested in question No. 33; (suppose all new appointments were to be made in the lowest grade only, and out of candidates who shall give evidence of their fitness for appointment by passing a rigid test examination conducted by competent persons, and that no promotions should be made to a higher grade unless the candidates for promotion should pass a similar test examination for such higher grade; would not the efficiency of the service be thereby increased?)

If *incompetent* clerks could be weeded out and the appointment of any such in future prevented, the public business could be performed by a much less number of persons than it is at present. But to secure such superior qualifications higher salaries would have to be paid in these times. One of the greatest difficulties experienced is the frequent *resigning* of skilled and competent men, because they can do better elsewhere. I think it would be true economy to increase the *compensation* and decrease the *number* of government employés.

The lowest class of male clerks receive \$1,200 per annum. The females receive each \$900 per annum. They are employed solely as copyists, and answer very well for that. If they were not employed it would take about the same number of males to do the work done by them. The same principle of appointment, advancement, promotions, &c., should, in the main, apply to the female as to the male clerks.

Elevate the standard of employés, make appointments more difficult to obtain, exclude the paramount influence of political considerations, make merit and capacity the requisite in appointments and promotions, decrease the number of employés, increase to a fair rate the compensation of those retained, make the tenure of *all* offices as permanent as practicable, permit no discharges except for cause, and approximate the civil service, so far as possible, to a *career* or life pursuit.

N. G. Isbell, collector of customs, Detroit, Michigan:

I think the efficiency of the service would be increased by such a system of appointments as is indicated in this interrogatory, (33,) providing the rule of removing for cause is strictly enforced.

Under such a system I have no doubt an equal amount of work could be accomplished by a less number of persons than are now employed.

In this country, where there are so many fields of private enterprise inviting the energies of young men, I do not think a higher grade of talent would be attracted to subordinate public service by the conditions named in this interrogatory (35) than now seeks such service for temporary purposes and on account of business disappointment; but if the appointing and promoting power were protected from political influences, persons of less talent and qualities for usefulness would be excluded from the service.

Under the license given me to state any matters in my judgment that would tend to make the civil service more efficient and economical, I have to say briefly, in regard to that branch of the service in which I am engaged, that though great improvement has been manifest within the last few years, I am of the opinion that the customs service of the country at large is more loosely and extravagantly officered than any other branch of the civil service of long-established standing with which I am acquainted. This comes partly from the necessarily irregular character of most of the service, making it difficult for persons in charge to know when subordinate service is laboriously discharging its full duty or when "shirking" labor; but mainly from the fact that it has long been the practice of political parties and politicians in power to seek positions as "tide-waiters," where the duty is supposed to be nominal, for persons who are supposed to have rendered, and are expected yet to render, some service to their parties, but who are not qualified by energy and application to maintain themselves in private business dependent upon energy and integrity. Though I cannot complain of any such interference in my own case, I can conceive of cases where collectors and others in charge of subordinate service might overlook inefficiency on the part of employés, fearing that their own tenure of office might be affected by thus incurring the disapprobation of friends who have influence at court. The public at large have also arrived at a very low standard of morals on this subject of official responsibility in the customs service, doing great injury to persons engaged in its duties. It is generally supposed that the custom-house is full of fat sinecures, and when a man receives an appointment to the service, and, in answer to the inquiry of his friends or acquaintances as to the worth of his office, says his salary is "two," "three," or "four" dollars per day, the reply is, "Oh, yes, I know that is the *salary*, but what is the stealing?" Thus encouraging him to think that to obtain compensation beyond the provision of the law will be regarded as legitimate by his friends and the public. For this crying evil of which I have spoken, in the official organization and administration of the service, there can be no remedy but in subjecting *all* appointments of collectors to a rigid test of fitness, and prohibiting their removal, except for cause well supported. The same rule should be applied to the subordinate service, making the tolerance of inefficiency on the part of subordinate service one of the causes for which a collector may be removed.

Letter from Hon. J. W. Hunter, of Brooklyn, New York:

My past experience has been sufficient to convince me that almost any change would be for the better. It could hardly be worse than the present system of *political qualifications*.

I think the public service could be performed by *well trained, well educated* men, assured of permanence in office during good behavior, and when meriting promotion to receive it, for about one half the amount now expended.

Questions No. 33, 34 and 35 I can answer most decidedly in the affirmative.

E. H. Webster, collector of customs, Baltimore :

33. The efficiency of the service would be greatly increased if the course indicated by this (33d) interrogatory was generally followed in cases of appointments and promotions, but in some cases it might be beneficial to make new appointments in grades above the "lowest grade only." The lowest grade in this office, for instance, is that of watchmen, boatmen, messengers and porters, who receive \$2 50 per diem. It would not be possible to secure the services of officers in these humble positions, who, as a general rule, could afterwards be safely advanced to much more important and responsible positions; especially would this be so if promotions were infrequent, as they necessarily would be were removals only made for want of efficiency; but I repeat that strict examinations of all applicants for appointment and promotion would be very beneficial to the public service.

34. If public officers were more efficient they would of course perform more labor than under the present system, and fewer officers would be required.

35. If employment was assured and certain, and promotions granted only to meritorious officers, and removals only made for want of efficiency in the discharge of official duty, I believe "a higher grade of talent and a better quality of persons" would be "induced to enter the government service," and that the public interests would be greatly subserved thereby.

A. R. Spofford, Librarian of Congress :

33. Yes; but to do it here, the law must be changed.

34. I think, under such a system, followed three or four years, one, and perhaps, two assistants could be dispensed with.

35. Yes, everywhere.

36. No females as yet employed. Under competitive tests, I think half the number here employed might usefully be women, and that the resulting economy to the government would be great. For example, I know of educated and practically industrious women, who could do all that assistant librarians receiving \$1,200 to \$1,800 now do, and who would think themselves well paid at \$1,000 per year.

Letter of A. T. Stewart, esq., of New York :

JANUARY 11, 1868.

In answer to your inquiry I have no hesitation in expressing the opinion that our government would be enabled to dispense with a vast number of its clerks and other employes, were those only selected who, upon examination by a competent board, were found qualified for the various duties required of them.

It would follow almost as a consequence that if fitness was to be the single test in public as it is in private employment, the experience of the incumbent would give him such an additional value to the public service that his retention would clearly be a matter of prudence and economy.

Respecting the method to be adopted in dismissal, I should think it advisable to have the power placed where it could be exercised promptly, but without reference to political or party purposes. If such a system can be created, the strife and bitterness of party feeling would be, in a great measure, obliterated, if not destroyed.

Finally, it would be material in adopting such a system to make public employment not only honorable but compensatory, by fixing the salaries with reference to the character and qualifications required for it.

To illustrate—I would not continue the anomalous practice now pursued with reference to the custom-house officials in the appraisers' and examiners' department, positions requiring men of great intelligence and probity, but with salaries attached entirely insufficient for respectable support.

Men competent to fill such positions of trust should be liberally remunerated if the government would be well served and have her interests protected.

Trusting that your committee will submit some plan by which our government can be served without making its agents mere instruments of political patronage,

Isaac W. Smith, assessor of internal revenue, Manchester, New Hampshire, a graduate of Dartmouth college, a lawyer and former member of the State legislature, declares:

Female clerks are more attentive, diligent, and efficient than males, and make better clerks, and that he intends very soon to have none but female clerks in his office.

Amasa Norcross, assessor of internal revenue, Fitchburg, Massachusetts, a lawyer, formerly a member of the State legislature, and officially connected with the revision of the statutes of the State of Massachusetts, declares:

The moral character of applicants for office should be fully established, and their fitness

for the office should be ascertained by a competent board of examiners. This could be done but imperfectly at the inception of the excise law, as no persons had then been educated with a view to the service, but it is now desirable that some method for determining the qualification of revenue officers should be devised and adopted.

Josiah P. Hetrick, collector of internal revenue, eastern Pennsylvania, in reply to a demand for further testimony than in his first report, sends a communication setting forth the fact that the revenue act of March, 1867, reduced the collection in his district from \$1,300,000 to \$700,000 by taking off the tax on pig iron and leather, which makes a moneyed aristocracy of the furnace men and tanners, to the detriment of the lumber men of the district. His full report is herewith annexed:

The new revenue act of March, 1867, reduced the collection in my district from \$1,300,000 to about \$700,000. This was caused by taking off the tax on pig iron and leather, which never should have been done, inasmuch as the furnace men and tanners were then and are now clearing 150 per cent., and are becoming a moneyed aristocracy in the midst of an industrious community of lumbermen, manufacturers, mechanics and merchants, who pay me the \$700,000 revenue tax which I collect annually. To collect \$700,000 in small assessments, spread over five counties, requires as much labor as it did to collect one or two millions in large assessments, yet I am "running the machine," (and I believe it is well run, and with the approbation of the department,) with two-thirds of the subordinates formerly employed. This is done by securing men of temperate habits, ability and industry.

I am of the opinion that the revenue service relating to assessments might be made more efficient and economical. In some divisions of a district there are too many assistant assessors. They are paid \$5 per day, and in many cases have but little duty to perform.

It is of vast importance that assistant assessors shall be honest and competent men, and before they are appointed by the department should pass through a thorough, searching investigation by the assessor of the district.

John S. Hugin, assessor of internal revenue, Xenia, Ohio, after declaring that he knew meritorious persons superseded by inferior ones and fully indorsing the proposed reform, states the multiplicity of authorities by which the revenue department is trammelled to be the bane of the service:

He urges the establishment of a separate bureau of internal revenue with a practical and accomplished head, who shall be held responsible for the faithful administration of his department. Let the law be so modified that the Commissioner can call to account and immediately remove any assessor, collector, inspector, or other person acting in a subordinate capacity in his department for failure to faithfully perform the duties of his office with an eye single to the best interests of the government. Let each assessor appoint his subordinates, and be held responsible by the Commissioner for their actions as officers. Inspectors and storekeepers of distilled spirits &c., &c., should be paid by the government and not by the proprietors of distilleries, as is now the case. Under the present law an inspector is paid by the distiller a fee of eight cents per barrel for inspecting spirits, which, upon an average, will not amount to the wages of an ordinary day laborer. The result of this low-wages system causes the inspector to be finally controlled by the distiller, (his paymaster,) with a view of making a fortune before the illicit collusion upon the part of the inspector is discovered.

The same is true of the storekeeper; although he is paid better wages, he is not paid by the right and proper party. It is a natural result that the laborer should be controlled to a greater or less extent by the party that pays him his wages, especially when that party holds out glittering inducements.

Nathan M. Knapp, collector of internal revenue, Winchester, Illinois:

I will venture a suggestion; that is, in regard to the revenue agents or foot-loose inspectors. It seems to me that the amount of good they do the government is hardly equal to the expense. In every county there are two or more revenue officials, who from their knowledge of the people are better qualified to judge in cases of fraud or evasion than a stranger, and who will often secure to the government all its rights without expense and vexatious litigation, where an inspector moved by a desire to do something or to make something must involve the government and citizens in a controversy upon technical grounds, fruitless in the end and calculated to bring the government and the revenue system into odious disrepute. I think there are too many inspectors.

Jackson Grimshaw, collector of internal revenue, Quincy, Illinois:

No storekeepers, inspectors, or officers of any class should be paid fees or any other compensation by the tax-payer. Government should pay all compensation to officers and should not directly or indirectly compel tax-payers to pay storekeepers, inspectors, &c., fees. Moie-

ties or shares should be abolished and government officers should rely on government for compensation and costs of seizures. All money made by seizures should go into the Treasury Department to be used as taxes, and no portion used up as moieties or shares.

William Grose, collector internal revenue, New Castle, Indiana :

In the revenue service, in my judgment, a serious error exists in the great number of revenue agents, inspectors, and detectives, that have been appointed with their unlimited expenditures. Their present duties should be performed by collectors, deputies, assessors, and assistants.

My observations satisfy me of the total incompetency of a great number of the assistant assessors. In this district we have three efficient, industrious, and competent assistants, two totally incompetent, and one neglectful of the duties of his office, following the legal profession closely to the detriment of the revenue.

Quincy D. Whitman, assessor internal revenue, Ottawa, Illinois :

Among other things I think it would be a great saving to the government if the services of the large number of special revenue agents, that are now swarming through this section of the country pretending to detect frauds on the government, could be dispensed with. There are, perhaps, some honest ones among them; but it is well known to all revenue officers, as far as my knowledge extends, that, as a class, these agents, (or, as they style themselves, "government detectives,") while they pretend to work for the interest of the government, work for themselves, and many of them have become wealthy in their operations. I believe, as a general thing, one general revenue inspector is all that is required in one district.

C. M. Hammond, collector internal revenue, Joliet, Illinois :

Dispense with special treasury agents in a great measure.

H. L. Bryant, assessor internal revenue, Lewistown, Illinois :

In my judgment it would tend to make this branch of the service more efficient and economical to dispense altogether with revenue inspectors, and not only empower but require the assessor of his district to canvass the same; and when he detects frauds on the revenue, to make arrests and seizures as an executive officer. As I understand the law, the assessor, as far as frauds upon the revenue are concerned, acts merely as a spy or informer.

If the office of revenue inspector could be safely dispensed with and the duties of this office be performed by the assessor, as suggested, it strikes me that it would be an immense saving in the expense of conducting this branch of the service.

Alphonso C. Crosby, assessor internal revenue, first Connecticut district :

Instead of the appointment of inspectors, (responsible to nobody in particular,) who act as detectives, &c., the assessor should have the right to designate any one of his assistants whom he may select to special or general detective service. The expense of the present force of detectives may thus be nearly wiped out, with a gain (I believe) to the service and increased economy.

D. B. Henderson, collector internal revenue, Dubuque, Iowa :

I am bitterly opposed to the present system of giving moieties to informers. It is a great source of corruption; does more to make expense to the government than to lessen expense. It causes unwarranted seizures and persecutions; it taints the action of officers who seize or prosecute, and brings unprincipled and avaricious men into the service. So baneful has been the influence of this system upon the public that they are predisposed to take the side of violators, believing that the hope of gaining a moiety has induced some government agent to take advantage of some accidental or inadvertent step made by the party who is prosecuted. Every lawyer who defends violators of the laws of the United States, thunders the words "moiety" and "blood money" at the juries until the government agent appears a Shylock and the whiskey-thief an Antonio. Let officers be carefully selected, well paid, and give them no compensation but their salaries and commissions.

John F. Cleveland, assessor internal revenue, sixth district, New York city, (appointed 1862,) after declaring himself emphatically in favor of the proposed reform, says that—

Such a reform should commence by subjecting any one, not elective, now in the civil service, to a rigid examination by a competent and impartial commission. Such as may be found competent and worthy should be retained, and such as are not should be dismissed, and no new appointment should be made without the requisite and satisfactory examination.

W. P. Richardson, collector internal revenue, Marietta, Ohio:

Employment and promotion on account of merit is the best method, but will never be adopted. Every office in our government depends directly or indirectly upon the will of the people, and will, I am satisfied, so remain. No "civil service corps" can be created which would be more efficient or economical than the present employment, unless it is given a permanence wholly incompatible with the spirit of our institutions and the opinion of our people in regard to the tenure of office.

It is possible that a body of men, selected as suggested, might perform the duties of their several positions better than they are now discharged, and, indeed, the same plan might be extended so as to embrace most of the offices within the gift of the people, State and national legislatures included, from which we might expect like favorable results; but what probability is there of the exercise of so much prudence and self-denial on the part of our people?

My acquaintance with the condition of the service and the character of the officers and subordinates is not such as to warrant recommendations for its improvement.

I would suppose that if the number of persons employed were reduced to the minimum, those retained possessing the highest degree of capacity and integrity, and paid as little as such services could be obtained for, the service would then be as economical and efficient as it would be possible to make it.

Charles G. Davis, assessor internal revenue, ex-representative, a graduate of Harvard college, and a lawyer of Plymouth, Massachusetts, show the necessity of adopting the proposed reform and also urges the independence of the revenue department under three commissioners, one of them to act as solicitor, and the doing away with the present conflicting interference of the Solicitor and officers of the Treasury Department.

Mr. Davis also declares that the only two revenue manuals in use, namely, Emerson's and Boutwell's, are very incomplete.

My experience is chiefly confined to the Department of Internal Revenue, with such general knowledge of the injury done to the civil service by frequent removals and political appointments as is common to most observing men.

I have no hesitation in saying that with regard to all the offices which require special knowledge, aptness, or experience, examinations and appointments and promotions for honesty and capacity merely would render immense service to the government, both directly and indirectly. Directly by procuring honest, efficient, and capable men, and by economizing the labor and time now wasted on and by inefficient and inexperienced men; indirectly by removing, next to the political power of slavery, the most corrupting power of political action now remaining, namely, the search for office, the temptation to the citizen to vote not as his unbiased judgment would and should under our institutions dictate. Our government rests on the intelligent will of the people, but it is not too much to say, perhaps, that a majority of the active men in an election are sometimes controlled or affected by biased motives. Remove, if you can, as far as possible, this corrupting element in our elections; teach men that ministerial office is not to be sought as a reward of party effort; that the officer is the servant of the people, and that he shall remain in office as long as he is worthy of it, and you will effect a revolution in the morals of politics, and we shall all breathe a purer atmosphere in public life. But as to many of the offices under the internal revenue law it must be understood that promotions cannot, from the nature of the case, be frequent, nor can some of them be well subjected to examination by a central board before appointment. This would be the case with assessors' clerks and with assistant assessors throughout the country, who might, however, be appointed only on the condition that they shall first have passed an examination by the assessor, such as may be provided for by the central authority, and shall not be removed except for cause.

But one of the leading defects in the present system of internal revenue arises from the organization of the department. Under the control of the Secretary of the Treasury, subject to decisions of the Solicitor of the Treasury, controlled, thwarted, and contradicted by the Auditors and Comptrollers of the Treasury, it is wanting in the independence which so important a branch of the government should have. Its officers never know when they are safe. A rule or decision is laid down by the Commissioner as to pay, or salary tax, or allowance of some kind, and months after he is overruled by the Auditor or Comptroller, who know less than he does of the workings of the internal revenue system. So with a Solicitor of the Treasury. What is wanted is a law officer of internal revenue, through whose hands every decision or letter involving the law appertaining to internal revenue should go. No Commissioner can have the executive ability to control all that goes out of his office and render his rulings consistent. A solicitor whose whole mind was devoted to the subject could control and regulate the decisions, and not involve officers of internal revenue in the inconsistencies in which we are now involved, and which have done much to disgust the taxpayers. It is not the fault of the Commissioner, but of the system. The solicitor should have all the power of the Commissioner, so far that he should not be over

ruled in his views of the law. For all the above purposes I would have the internal revenue, and perhaps custom revenue, a separate department, in the hands of three commissioners, one of whom should act as the solicitor, and the department should have full control so far as it can constitutionally be done of the appointments, (subject to examinations, &c.,) of the paying, auditing and comptrolling of its own work. Mr. Welles suggests the appointment of naval officers, &c., to the assessor and collectorships. The objections to this course would be: first, they are not business men acquainted with the people, property, and habits of the several districts; second, there would be too much of the "martinet" in their dealings with the people. Under our government the people want civilians for civil business, and not men whose life and pursuits have led them away from the people. I should as soon think of making a manufacturer an officer in the navy as putting a retired naval officer into the assessor's office. The very cause of examinations, &c., suggested by you, is inconsistent with the idea of putting in men not trained to certain civil duties, who have been brought up in the army or on the sea.

A. C. Churchill, collector internal revenue, Gloversville, New York, knows of no better way to reform the civil service than that proposed in the circular.

William McSherry, assessor internal revenue, Littlestown, Adams county, Pennsylvania, an ex-member of Congress and ex-State legislator, fully indorses the proposed reform, and states as follows:

I do not think there is a branch of the public service in which it is so important that competent and faithful officers should be retained than that connected with the assessment of internal revenue taxes. I refer particularly to the assistant assessors. So long as the system remains such as it now is, it requires months for an assistant assessor to become familiar with the duties of his office, it matters not how well he may have been educated nor how successful he may have been in transacting other kinds of business. Whenever changes are made in a district it disarranges the business of the district for months and causes much trouble. I believe if the services of competent and faithful officers were more generally recognized by the government and the public it would be a great stimulus to encourage them in the discharge of a duty which is generally odious to the public, and in many instances not remunerative to the occupant of the office.

James Lewis, assessor internal revenue, Bucyrus, Ohio:

I have no doubt if the employment was assured and certain, that more efficient and better qualified persons would enter the service.

I believe after the annual assessment is made the expenses of the service in this district may be materially reduced, by making each county an assessment division, and having one assistant only therein, except perhaps in the counties where distilleries are located.

If Congress should pass a bill relieving manufacturers generally from tax on their productions, one assistant assessor would be sufficient to each county. This would lessen the expense of assessing the internal revenue in this district about 33 per cent., and the work could be as efficiently done as at present. All of which is respectfully submitted.

T. C. Gummert, acting assessor internal revenue, Brownsville, Pennsylvania, offers the following suggestion:

Only appoint those of good moral character and able to stand a close examination. Abolish assistant assessors attending daily to distillery; it is a humbug; get an honest man for store-keeper and make distillers pay him, thereby lessen expenses of assistant assessors; many are now paid \$125 to \$135 per month that could not earn \$80; make assessor's pay \$2,000 per year and no compensation but office rent and fuel; assistant assessor \$1,000 per year and not allowed to do anything else. And, finally, amend section eight of internal revenue so that in place of assistant assessor being the acting assessor, make the clerk, when competent, the assessor, so that I and any others situated as I am shall be honorably rewarded for past services, and for merit alone. And to make my assertions good, I refer to all citizens of this place, and especially O. P. Baldwin, republican postmaster at this place, and to the assistant assessors of 1st, 2d, 3d, 4th, 10th, 12th, 13th, 14th, and 15th divisions, half of whom are republicans and the rest democrats. Hoping that you may carry out your good intentions in this respect by calling at the Commissioner's office, ask for reports of 21st district, and make a decision in my case.

F. W. Curteniens, collector of internal revenue, Kalamazoo, Michigan:

Does not think that the service of females could be made efficient in the collecting department, or brought within the range of propriety.

In regard to the collection of the revenue, he declares that men of large incomes have not always been deterred from rendering false and fraudulent returns from the fact that they have relied too much upon the interposition of senators and representatives to have their

penalties and fines remitted by the department, and in some cases have measurably succeeded. They seem to overlook the fact that favors bestowed upon the guilty result in great injustice to the innocent and honest tax-payer.

H. H. Helper, assessor internal revenue, Salisbury, North Carolina, believes :

From his knowledge of the duties of public officers at Washington and other large cities, that *at least one-third more work* should be done by each and every employé than is.

David Howe, collector internal revenue, Lincolnville, Maine :

Is in favor of holding out inducements to the females to qualify themselves for clerkships in the civil service, and thinks that many branches of the civil service might be benefitted by so employing them.

Bernard Zwart, collector internal revenue, Ironton, Missouri, is emphatically in favor of reform, provided religious morality be also made a test.

He submits suggestions in paper A for the more efficient execution of the revenue laws, and in paper B about the tax on distilled spirits, &c., which are herewith annexed :

A.

The mode of collecting revenue and accounting therefor I consider deficient for the following reasons, to wit :

1st. It does not hold the collectors sufficiently responsible, and if they are so inclined it allows them the use of large amounts of money belonging to the government for a long period without the proper means to detect such use.

2d. It often operates harshly and unjustly on collectors, in large districts which are sparsely settled and where mail facilities and other means of communication are unsafe and unreliable, in holding them responsible for uncollectable taxes, which are too often assessed by assistant assessors on parties who are insolvent or are not liable to assessment.

First. To obtain an additional check on collectors I would suggest that all blank receipts issued by the department to collectors should be provided with or bear the impress of a stamp representing the money value for which it is to be a receipt, ranging from the smallest to the highest amount of tax assessed ; that every collector should draw the receipts on quarterly requisitions based on the tax assessed on each quarterly list by him received from the assessor, the amount of which receipts should be charged to the collector, and against which he should be credited with the amount of money deposited each month. The daily collection book of the collector should contain an additional column showing the amount of receipts drawn by him from the department, as well as a column for total collections and total deposits, so that the difference between the aggregates of the first and last named columns will show the amount of stamped receipts and money he should have on hand at any time, and enable inspectors (to be appointed for that purpose) to verify the collector's accounts whenever desired. The collectors should also forward a monthly abstract from this book to the department and further be required to impress their own official seals on each receipt, and the collection of any taxes without issuing the proper receipt therefor, stamped and sealed as above stated, should make them or their deputies respectively, on conviction thereof, liable to punishment by fine and imprisonment, the fine to go to the informer, even if he induced the issuance of such receipt without the required seal and stamp.

This provision of law should be printed in large letters on stiff paper, and by the government furnished to all civil officers to be posted up in their offices in a conspicuous place, and a failure to do so should make the offender liable to punishment.

At the end of every quarter each collector should return to the department the stamped receipts remaining on hand at such time and belonging to the quarter for which he makes return ; with the amount thereof he should be credited, provided he furnish within three months thereafter the proper vouchers to show that said taxes were not collectable and ought to be abated, as now provided for.

Second. For the protection of collectors and saving of considerable expense to the government, I would suggest that it should be provided by law that if any assessor return to the collector any assessment which is uncollectable at the time of the assessment by reason of the insolvency of the party assessed, his own liability to assessment, or other good cause, such assessment should be charged to the assessor (who should also be required to give bond) and credited to the collector on proof of the existence of such cause at the time of the assessment.

For the protection of the government and the assessor the latter should be furnished with blank applications for assessment of the different taxes and duties, at the head of which applications should be printed the provision of the law imposing such tax, and such application should contain a clause admitting that the applicant comes within such provisions, and be signed by the party applying, and any person liable to such tax and refusing to sign the proper application at the request of the assessor or assistant assessor should not be assessed

but reported by the assessor to the United States attorney of the proper district for prosecution under section 73, act July 30, 1864, which section ought to be so amended as to make the offence punishable by imprisonment in all cases coming within the provision, as well as by fine, a moiety of which fine should go to the informer. This is necessary, as too often parties are assessed who are not liable under the law or who are really insolvent at the time, so as to make it impossible for the collector to collect the tax, thereby causing a vast amount of useless labor and consequent expense to the government, which might be saved by the exercise of reasonable diligence on the part of assessors and their assistants besides; as the law now stands parties who have no property liable to distraint too often carry on their business without paying their special taxes therefor, thereby defrauding the government and also doing an injustice to the well-disposed citizen without adequate means of redress.

In relation to all manufactured articles subject to duty it should be provided that the same shall be liable to assessment and seizure in the hands of any party after removal from the place of manufacture, unless the same be duly tax paid, which fact should be made to appear either by the proper stamp or collector's certificate, the expense of which certificate should be paid for by the party obtaining the same.

B

From observation in this district and elsewhere, I think that unless the tax on distilled spirits be reduced considerably, say to 50 cents per gallon, no spirits of any amount can be manufactured with the certainty that the tax thereon can be collected, because a high tax, as is now imposed, is too strong an inducement for fraudulent practices to be withstood by the generality of men engaged in that business; it is true that by strict surveillance and extraordinary exertions on the part of officials large frauds may be prevented for a while, especially when the market is glutted, but it is to be feared that such vigilance on the part of the officers will be but temporary, or at the utmost spasmodic, as their attention will be diverted by other official duties, or former exertions will be followed by corresponding inaction.

Most men engaged in the business of distilling seem to consider the existing law a violation of their rights, and look upon smuggling as merely a "*male prohibita*," not a "*male in se*;" and as the profits are enormous, if they succeed they are willing to pay the penalty, if detected, and in proportion as their means and ill-gotten gains give them influence, they will try to use that influence to the detriment of the government and public morality in the corruption of officials whenever possible, and whenever this fails, in denouncing and persecuting honest officers whom they find to be incorruptible; the result whereof is, that all officers connected with the revenue department fall into disrepute, and are looked upon with contempt by the honest masses, and that large amounts of revenue, which would be paid cheerfully if the tax were not prohibitory, are lost to the government.

Besides, the imposition of prohibitory taxation on any manufactured article has a tendency to drive men of moderate means (who are often the most conscientious, and satisfied with a reasonable profit) out of the business, to the detriment of the national industry, because such men cannot compete with their more wealthy neighbors, by investing their means which they need to carry on their business in the tax imposed, especially when, as it seems to be mostly the case with distilled spirits, their manufacture will not sell in the market for enough to pay the tax itself; hence the capital invested by such men in the erection of buildings, and the necessary stills, vessels, &c., becomes a dead capital for all practical purposes, which not seldom works the ruin of worthy citizens.

To establish a system of taxation which must under all circumstances prevent fraud is well-nigh an impossibility, yet it would seem that a system of moderate taxation of distilled spirits might be devised under which the manufacturer would fulfil all his obligations to the government rather than to run the danger of interference with his business by a non-compliance with the requisitions of the law, and which at the same time might stimulate him to devise and invent improvements in the mode and instruments of manufacture so as to produce the greater amount of the article taxed, from the same materials.

But to do this, the tax should be imposed upon the raw material instead of on the product, and as it has been ascertained to within a fraction what amount of spirits of a certain strength can, under existing circumstances, be obtained from a given amount of grain, it would only be necessary to impose such restrictions and safeguards on the manner of using the necessary materials for distilling purposes, that it would be impossible under any circumstances to perpetrate frauds therein, without almost certain detection.

If such a plan was adopted, by prohibiting distillers from grinding their own grain, or having it ground elsewhere, without a permit from the collector, describing the quantity and weight of the grain, place where to be ground, time allowed therefor, and for its conveyance to the distillery, and also the time within which it is to be placed in the fermenting tubs and worked off, it would seem that but little difficulty could exist to prevent a full assessment of the tax; or the fermenting tubs in every distillery might be numbered in regular order, which number, together with the capacity of the tubs (which latter should be proportionate to the distilling power of the still) and be branded thereon, and a record thereof should be kept in the collector's office; ten days before the first of the month the dis-

tiller should hand in to the assessor a statement in triplicate, designating by their numbers and capacity the fermenting tubs which he desires to fill for fermenting purposes, on each day in the month, also those from which he desires to draw for distilling purposes, (allowing only sufficient time for the purpose of fermentation,) and those which shall be empty at any given time in the month. From this statement the assessor should ascertain the tax, and forward the duplicate of such statement to the collector, and return the triplicate, with his certificate, to the distiller, to enable the inspector to ascertain at any time whether the proper fermenting tubs are filled, in use, or emptied as designated.

Or, if it be not considered desirable to assess the tax on the raw material, the tax might be assessed and collected by means of stamps of the value of the tax, to be procured by the distiller from the collector, and by the inspector to be attached to the barrel or keg containing the spirits and by him cancelled in a proper manner; the distiller should, however, obtain a credit of, say, three months, on all such stamps by him purchased, provided he gives therefor sufficient security to the collector to prevent loss to the government. This is necessary to enable the distiller to dispose of his distilled spirits by the time that he should pay the tax; and such distillers as should pay for the stamps in cash at the time of purchase should be allowed a sufficient discount thereon. Each inspector and distiller should make his returns as now required.

Tax on tobacco and cigars.—This tax I think should be collected by the use of stamps in the manner as last above suggested in relation to distilled spirits.

John H. Fox, assessor internal revenue, De Soto, Missouri, makes the following suggestions :

As the tax has been taken off from cotton, and probably will be from a great majority of all industrial pursuits, that the revenue laws be so amended that assessors make returns of their monthly assessments to their respective collectors on or before the 10th of each succeeding month, in place of making same by the 20th of each succeeding month; and if the collector's time for making the collections be also shortened ten days, it will give him ample time, and I think have a tendency to lessen the delinquent list by one-half.

The collector should also make it the imperative duty of his deputies to visit all parts of their respective divisions to make the collections, and not make it the duty of the tax-payer to hunt him up to pay his tax. This I find to be a very general complaint among the parties that have been assessed with an annual or monthly tax. They seldom ever get a notice from the deputy collectors unless the penalty is attached, and then they are required to ride from 1 to 25 miles to settle the tax. My assistant assessors have from six to eight places, in each county, where they make regular appointments to meet the tax-payer. Each assistant sends out his notices a month ahead, besides giving each known tax-payer an individual notice to meet him on the appointed days. This gives general satisfaction; but the deputy collector sends out circulars, calling on the tax-payer to meet him at the county seat and settle their taxes, and never sends individual notices unless the penalty is attached.

I do not name this as applying to my district alone. It appears to be a general complaint, and ought to be remedied.

I have no other suggestions to make at present, and hope that the answers and suggestions may meet with your approval.

Collector of internal revenue, Little Rock, Arkansas :

States that he had 100 applications for employment since November 15, 1866, when he came into office. The oath prescribed by the act of July 2, 1862, render it almost impossible to procure suitable persons to fill the positions. Would probably have had 300 or 400 more applications had the parties been able to take the oath.

He advocates the payment of stated salaries to the employés in the collector's office, and to assistant assessors and their subordinates. This he thinks would secure competent men, which cannot be obtained under the present system, collectors being now compelled, from the small compensation received for their services, to employ deputies and clerks at rates for which honorable and competent men could hardly be expected to work.

T. J. Jordan, assessor internal revenue, Harrisburg, Pennsylvania :

Urges the abolition of all bonded warehouses, these being, in his opinion, the chief centres of fraud. He further recommends that all cases involving whiskey frauds should be adjudicated by the courts, and not in the departments.

George B. Arnold, assessor internal revenue, Mount Vernon, Ohio :

Declares that the proposed system would operate with peculiar benefit to the revenue service. He urges the extension of the penitentiary provisions of September 5, revenue laws, to *five years*, and that they should be enforced. He is satisfied that millions of dollars of *just* and *legal* revenue tax lie dead and uncollected all over the United States, by reason of delinquency, want of energy, and comprehension of revenue officers, not alone in whiskey and spirits, but in tobacco and cigars, legacies and successions, licenses, and indeed all classes

of internal revenue tax. He would like to take a contract (say for the State of Ohio) to assess and recover all *just* and *legal* revenue taxes that have legally accrued from liability during the last four years, and which have been lying uncollected, and even unlooked after, allowing him a commission of 25 per cent. on the amount that can legally be collected, without extortion or oppression, but legitimately. He has no doubt that the same applies also to other States. One good and faithful revenue inspector, appointed for and embracing two or three revenue districts, might make himself very useful at a salary of \$1,000 to \$1,200 a year, and *actual expenses paid out by them*; but the appointment of one revenue inspector to a single rural district does not afford them *half* constant, legitimate employment, and they generally manage somehow to get per diem pay for *full time*, and frequently charge up in their bills expenses, such as railroad fare, &c., when they are travelling on a free railroad pass. It seems to me people are getting very much demoralized in regard to their jurat or oath to official papers in the revenue service.

The office of assistant assessor is the very *initium* or starting point in the internal revenue system, and the action of assistant assessors depends a great deal upon the promptings and energy of the assessor.

It is very important, therefore, that assessors should be themselves vigilant, and constantly stir up and prompt their assistants. I have seen the need of this almost every day, and thousands and thousands of dollars of revenue tax has been added to our lists in this district, which probably would have slept in the pockets of tax-payers, had it not been for promptings to special scrutiny and vigilance and energy on the part of our assistants.

F. C. James, collector of internal revenue, Mount Sterling, Kentucky, (9th district,) suggests :

That in frequent instances laws have been made and instructions issued that do not as well apply to widely extended, sparsely populated districts, situated in rural regions at great distances from the great commercial centres of the country, as to the more compact and densely populated districts. Frequently such regulations are of such a nature that the application of them is almost impossible. If the districts themselves were graded, and the regulations of the department made to suit the different grades, many difficulties under which we of the remote and weaker districts labor would be done away with, and the result would be advantageous perhaps to an economical and certainly to a more efficient execution of the revenue law.

Charles H. Shriner, collector of internal revenue, Mifflinburg, Union county, Pennsylvania :

After declaring his opinion that the adoption of the proper system would increase the efficiency and integrity and diminish the cost of the service, *urges government "to dismiss all spies and informers who are sent out to harass the people and eat out their substance."*

George J. Anderson, collector of internal revenue, Sandusky, Ohio :

Declares himself emphatically in favor of reform, and demands that *the penalties for defrauding the government, whether by tax-payers or government officials, be more stringently enforced.*

John Nesmith, collector of the internal revenue, Lowell, Massachusetts :

Most certainly the efficiency of the service would be increased by the adoption of such a course. If official position was permanent, *a class of young men would fit themselves for holding office, while pursuing their studies*, and when appointed would do their utmost to discharge their duties well in the hope of advancement.

The present time seems a peculiarly favorable time to try the experiment, with the President and most of the heads of departments of one party and Congress of another. Any party having full control of the appointing power would with difficulty be induced to give it up for the purpose of trying an experiment. A good law regulating appointments, placing them outside of party influences, would, I fear, soon be evaded. The examiners would become the tools of the party in power. If the supreme court cannot be kept free from party influence, what hope have we that a board of examiners could ?

Is it safe to conclude that because a system of this kind has to some extent been a success in Europe, where the heads of the government are hereditary, we can establish it here, and keep it in force long enough to test its utility. During a large part of the existence of our government we have given the dominant party the offices, and I fear a large part of our voters look upon the control of the offices as a right not to be given up for the purpose of forming a class of office-holders independent of the party in power; but to make the system a success it must be outside of party influence.

Horatio Bridge, chief of Bureau of Provisions and Clothing, Navy Department, suggests :

To reduce the number of clerks $33\frac{1}{3}$ per centum, dispensing with those of least capacity,

industry and efficiency, and to add 25 per centum to the pay of those who remain or who should be afterwards appointed, would, as a general rule, in my opinion give more efficiency and economy to the civil service. But this result can only be secured by strict and impartial examinations, and by the assurance that faithful and efficient clerks will not be dismissed to make places for less valuable public servants.

A. H. Brown, collector of internal revenue, Indianapolis, Indiana, after declaring himself emphatically in favor of the proposed reform, states :

We have noticed that the principal sometimes filled the subordinate places with relatives, or the relatives of politicians to whom he was indebted for favors. Selections for examinations (candidates) should not be made from relatives of the principal or of his political friends, but from meritorious young men.

Advocates the priority principle only when accompanied by *merit*. Frequent examinations might correct the evil of continuing in place an inferior officer simply because he held the oldest commission. He advocates an annual salary for assistant assessors instead of the per diem compensation, and states that a chief clerk with \$1,000 is allowed in his district, though the services of such an officer are required for only three months.

William P. Lloyd, collector internal revenue, Mechanicsburg, Pennsylvania, strongly advocates the adoption of the proposed system, fully indorses and quotes the opinions of Commissioner Rollins bearing upon the subject of reform, and declares :

Under such a system an equal amount of work might be done at least in the assessors and collectors' departments of internal revenue *by half the number of persons now employed*. Assistant assessors, as they are required to visit the distilleries in their divisions once a day, might then be intrusted with both their own duties and those of storekeepers at warehouses of as small capacity at least as those of my district, and the checks to fraud which are now endeavored to be imposed by multiplying officers would be much more surely and effectually accomplished by the ability, honesty, and responsibility such a system would secure in the appointees.

F. Z. Heebner, assessor of 6th district Pennsylvania, at Allentown, Pennsylvania, urges the reduction of the assistant assessors and the exclusive devotion of all their time to the duties of the office of the assistant assessors.

F. Van Derveer, collector internal revenue, Hamilton, Ohio, states that all his 18 subordinates have served in the Union army, and declares that this is a prerequisite in all appointments made by him or upon his recommendation.

William E. Bond, collector internal revenue, Edenton, North Carolina :

I think some system should be adopted which would enable a collector in districts like mine, entirely rural, covering a large area of territory, where the collection is attended with a great deal of expense, trouble, exposure, and some danger withal, to pay his subordinates better compensation (without working for nothing himself) than I can afford to do. As I have before remarked, it appears to me that the best system in public service is to pay good men a good price, and render them directly responsible to the department. Would it not be best, therefore, to place the deputy collectors on a fair salary, and hold them bonded and directly responsible to the department, and, at the same time give such compensation to the collector as will be fair and right, and allow him to secure the services of a No. 1 man as clerk.

Suggestion in respect to the collection of taxes from delinquents scattered over a wide expanse of territory :

In my replies to the questions propounded by you, I neglected one suggestion which I designed to make, and which I regard as highly important everywhere, and absolutely indispensable in districts like this, covering a large extent of country with few modes of communications, and even scanty mail facilities. It is simply impossible for a collector in a district like this, with a weak force at his command, to collect from a large number of delinquents, scattered everywhere through the country, by actual personal distraint. Under the present revenue law suits cannot be instituted in the United States courts against delinquent tax-payers unless authorized by the honorable Commissioner of Internal Revenue, and he is of opinion, as the law seems to indicate, that it requires a separate authorization for each suit. There are some 800 or 1,000 delinquents scattered through the 15 counties of this district, and it would take me and my deputies at least six months or more to collect from them by actual distraint, to the entire neglect of the other duties of my office, and at least 12 months if we gave necessary attention to other imperative duties. But I am satisfied that if

the power were given me to institute suit in the United States court, much the larger portion could be collected very soon, for in ninety cases out of a hundred, the service of a writ would be the end of the proceedings, the parties would raise the money "by hook or by crook," and pay. The cost of the proceedings would not be so great to the delinquent as by distraint. The suggestion I would make, therefore, is to invest collectors with the power to institute suits in the United States courts for the recovery of tax claims. The law could be framed so as to protect the government from imposition in the way of costs incurred on account of useless and unnecessary suits, by providing that in all cases in which the collector could not vindicate the justice of the claim by getting judgment, he should pay the costs himself. This would have another good effect; it would enable the collector to silence just complaint on the part of those who have paid, that "others are not made to do so too." The law provides for distraint I know, but, as before remarked, it, in districts like this, is a slow and expensive process, not quick enough to silence complaint, and cannot be done, in any great number of cases, without the neglect of other important duties.

I do hope this suggestion may receive your favorable consideration and be incorporated in the law. The collectors being heavily bonded officers, it appears to me that every possible advantage should be accorded to them.

James P. Murphy, assessor internal revenue, Lockport, New York:

The only way that the assessor's department can be made respectable and efficient is, in the first place, to secure the appointment of the right man to the office of assessor, give him the entire control of the assessments in his district, and also of the appointments of subordinates, hold him to a strict accountability for all his acts, and have him only removable for cause, and require him to devote his whole time to the office, and pay him such salary that he could afford to devote his time without resorting to outside business to obtain a living.

He considers the present internal revenue law defective, because of its making the assessors in many respects subordinate to the collectors, the former being unable to make seizures and prevent fraud without the concurrence of the latter. Hence, in many respects, the chaotic, unsatisfactory condition of the service and the losses inflicted upon the government.

He further expatiates upon the inefficiency, lack of uniformity, and ignorance of the assessors, and upon the want of a supervisory agent, the Commissioner of Internal Revenue being unable to personally inspect all the districts, the bulk of which are consequently without supervision and without the necessary instructions. A uniform system of assessments, such as might be established by qualified supervising assessors, would, in his judgment, vastly increase the revenue.

C. S. Phillips, assessor internal revenue, Philadelphia:

The head of each department should give undoubted evidence of his fitness for the position. * * * An efficient chief makes efficient subordinates. * * * An equal amount of work could be done, and better, by a less number of persons than are now employed. * * *

The proposed system appears to me contrary to the spirit of the age, deriving its origin from governments unlike our own. Fresh men taken from the walks of active life infuse more energy into an official department than men who have always lived in it. The latter are apt to become listless and indolent. It is the nature of the man who lives for a long time upon a fixed salary to become so.

More care should be taken in selecting the heads of the different civil departments in the state. Political influence ought not to be the sole or chief recommendation. A board of well known business men in each congressional district might be selected, who should examine and pass upon the merits and qualifications of the candidates. The heads of the departments should be held strictly accountable for their subordinates.

Collector of customs at Philadelphia:

Desires that the tests of qualification should include experience, sobriety, and general good character for stability and industrious habits.

Hon. William Hunter, Second Assistant Secretary of State:

I have no doubt that the measure referred to would be wise for the public good. Examination, however, to be worth anything as a test of fitness, must be conducted by persons not responsible to the appointing power, and the examiner, to be impartial, *must be ignorant of the State from which a candidate may hail, of the persons who may recommend him, and perhaps even of his name.*

If officers of the State Department were to be appointed under the proposed system, at least one-third less would be required for the present work, although the business of the department in its diplomatic and consular branches has perhaps doubled within seven years.

He lays great stress upon experience, and expatiates upon the absurdity of appointing men to diplomatic and consulate missions without knowledge of the language of the country to which they are sent. He thinks it might be as well to appoint inmates of deaf and dumb asylums.

Commodore Harwood, Superintendent Light-house Board :

Declares himself emphatically in favor of the proposed reform, by which the general efficiency of all classes in the civil service would be greatly improved.

He thinks that much of the inefficiency of an office is due to frequent changes in inferior positions, and declares it to be a lure to men who have failed in other avocations and a temptation to all who, not knowing how long they are to enjoy the fruit of their labors, proportion the amount and accuracy of work to the prospect of the harvest.

John F. Hartley, Assistant Secretary of the Treasury :

All clerks in the Secretary's office receive their appointments upon a written report of the board of examiners established in accordance with the act of March 3, 1853. The object being simply to inform the minds of the board as to the general intelligence of the candidate and his capabilities for the performance of the duties to be intrusted to him, and the special positions to be filled being very diverse in their character, it is obvious that no uniform and arbitrary standard can be prescribed.

From August 1, 1865, to February 4, 1868, 9,092 applications for appointment in the Treasury Department have been filed, of which 1,512 have been successful.

Applications are considered and appointments made for the entire department in the Secretary's office. * * * The Secretary can of course have personal knowledge of the character and the qualifications of but few of the applicants. * * * The younger clerks are apt to regard their positions only as temporary, and to act accordingly. * * *

The Assistant Secretary contends that the proposed test examination is now actually in force in the department, but fails to adduce adequate testimony to that effect.

Question 37. In reply to this inquiry I have to remark that stability in the tenure of office and adequate compensation are indispensable to any healthful reform. The services of competent persons cannot be procured or retained as a general thing on any lower scale of compensation than is paid for similar services elsewhere. It can hardly be expected that the services of expert accountants or members of the legal or other professions will abandon the higher rates received in their respective pursuits to serve the government for \$1,800 per annum, the highest grade of clerkships provided by law. Yet their qualifications are indispensable to the successful performance of official duty in some branches of the Treasury. Of late, special acts of Congress have granted additional compensation, which to some extent, and as a temporary relief, have mitigated the evil. What is needed, however, is a permanent system. If greater stability were imparted to the tenure of office and no removals made except for cause, as in the army and navy, the services of experts, with the needed special qualifications, could doubtless be procured at rates somewhat lower than those prevailing in other pursuits subject to vicissitudes both of employment and compensation; the fixedness of revenue being an ample equivalent.

In my judgment no preliminary examination will afford the requisite assurance of qualifications for the special duties to which clerks are to be assigned. It is doubtless true that general intelligence and scholarship may be satisfactorily ascertained in that way. The more important duties in this office are, however, in the main, so purely arbitrary and technical, depending so much on specific statutes, judicial decisions, and departmental regulations, that no previous training can materially aid in their performance. Nothing in my judgment but an actual trial will exhibit or develop the fitness of candidates for offices in this branch of the Treasury Department. Upon satisfactory evidence of character, capacity and general acquirements will be best ascertained by such trial under temporary appointment. This procedure is the more important if the tenure of office is to be permanent, and the incumbent displaced only on the establishment of charges of neglect of duty, or other misbehavior in office. Under such a system, not only could a "higher grade of talent and a better quality of persons be induced to enter the government service," as suggested in the 35th interrogatory now before me, but the suggestion made by the 34th question would also apply, viz: that "an equal amount of work could probably be accomplished by a less number of persons than are now employed."

As further expressive of my own views upon this subject, I respectfully refer to a communication of the 31st ultimo, addressed by the Secretary to the chairman of the Finance Committee of the Senate, in regard to a proposed reorganization of the department.

George P. Sewall, assessor internal revenue, Oldtown, Maine, declares :

That the revenue service has no manual that is regarded as authority at the present day, the one published by Mr. Boutwell, under the act of 1862, having been rendered to a great extent useless by subsequent legislation, and it being now seldom consulted. He does not consider examination applicable to the revenue service, but declares that an equal amount of work could be performed under any system by a less number of persons than are now employed. He thinks that if employment was assured and certain, and promotions granted only to seniority or merit, and no discharge permitted except for cause, a higher grade of talent and a better quality of persons could be induced to enter the government service. In his judgment the pay of assessors and number of assistants should be reduced, and the labor of each increased; that so much of the revenue act as authorizes payment of a per-

centage on the collections of a district in excess of \$100,000 should be repealed; that a minimum salary should be allowed assessors, to be increased on the basis of the number of special taxes they assess in excess of 2,500; that all assessment districts now existing should be abrogated on the first of May next, and collection districts again subdivided into assessment districts, containing at least 20,000 inhabitants, and an assistant assessor, now in service, resident therein, (if then living,) assigned to each, with power in the assessor to employ temporarily more than one assistant in a division, when authorized so to do by the Commissioner; that such proportion of the tax collected on spirits as the Commissioner deems expedient should annually be paid to the assessor and assistant, when the same is assessed, and that payment of a special tax as distiller, retail or wholesale dealer of spirits should legalize the business—the provisions of any State law to the contrary notwithstanding; that assessors should act as special agents of the treasury, when required, without other compensation than their regular salary and expenses, and that the officers in all collection districts should be, from time to time, examined and reported upon by such agents; that assessors and assistants should not be removed without cause, prescribed by law, and should be first heard by the judge of the district court of their State, at chambers, on specific charges filed, who should find and determine all matters of fact involved therein; that all officers of the revenue should annually return their pecuniary standing, and if their liabilities, except as trustees or administrators, exceed 10 per cent. of their property or means of payment, it should be regarded as cause of removal.

John Van Lear, assessor internal revenue, Hagerstown, Maryland:

Thinks the introduction of a civil service, with some such mode of appointment as is pursued in the army; some such means adopted as are combined under the heads of questions 33, 34, and 35, to regulate the appointment, advancement, and continuance in office, would greatly advance the personnel of the service; some such regulations as would allow transfer from one sphere of duty to another within it—from the customs to the internal revenue, and *vice versa*.

If all supervising officers of the internal revenue were required to give bond for their faithful performance of duty, I can see no reason why, in this department, the collectors and assessors might not be transferred; the assessor performing the duty of the collector, and *vice versa*. Not only should this transfer take place as the appointments to these offices now stand, but a civil service instituted, which would have no bounds by States or congressional districts, that they might be ordered for duty over the United States, would add greatly to the efficiency of the department. Then, too, in the districts where the assessment is small, power should be given the department to consolidate with the larger.

If honesty were made the basis of all the other requirements, then intelligence, then determination, the expense of collection of the revenue would be lessened and the amount collected increased. It is impossible to collect the revenue without, at some one point, for the time, trusting to the integrity of the subordinates; hence the vital necessity of having all honest.

The pay of the offices is sufficient to secure good and competent men, and if a system of examination were introduced which was known to be thorough, the applicants would be less, and the service benefited by those who were successful.

This may be all brought about by such a system as was proposed to Congress at its last regular session.

I think that phrase, older than Shakespeare, "to the victor belong the spoils," has about as much sin on its head as any theory advanced by mortal man.

The only objection I have ever seen against the adoption of a civil service as is herein alluded to, which had in it a semblance of plausibility, is that same effete prejudice, which the war of the rebellion exploded, against the regular army, that it foisted a horde of idle, useless cormorants upon the people, whose industry was taxed for their maintenance. Good and true men had begun to believe in the cry against them until the war for the Union showed the latent value of McClellan, Grant, and Sherman.

I hope that I have not uselessly consumed the time of the committee in making these general remarks; it certainly is not my intention; and I close them by saying, that I know of nothing suggested for efficiency and the general good of the civil service which will bring about a more happy result to a tax-ridden people—who have endured the heat and burden of a war unparalleled in its magnitude and its concomitant taxation with such uncomplaining firmness—as the adoption of a civil service, the groundwork of which is suggested by questions 33, 34 and 35 of the circular from the Committee on Retrenchment.

John M. Mason, collector of internal revenue, Yonkers, New York:

The great want of practical ability in the administration of our civil service is to be ascribed to the uncertainty of the tenure of office. The government service is looked upon as a sort of hospital or asylum for the relief of broken-down politicians, rather than as an honorable employment in which merit is to be rewarded, intelligence appreciated, and fidelity acknowledged.

The collector of internal revenue, Columbus, Ohio :

Declares himself emphatically in favor of the proposed reform, and recommends an establishment somewhat similar to the English civil service, in which case the government would be better and more economically served ; since no prudent man will abandon the business of his life and devote his whole time and mind to a mere temporary position, liable to removal, regardless of his fitness or faithfulness. * * * *

The government plan is at variance with the experience and course pursued by every successful business man. They do not employ inexperienced persons to manage difficult and intricate affairs. Yet the government intrusts her immense resources at random, without examination, to the management of unqualified persons, and even these are removed, perhaps, just as they begin to comprehend their duties, to give place to a fresh supply of novices.

D. E. Nevin, assessor internal revenue, Allegheny, Pennsylvania :

The adoption of a stable civil service, similar, in some respects, to our military system, with, perhaps, a little more regard in it to merit than to seniority in the matter of promotion, would, undoubtedly, draw a superior grade of talent and a higher degree of integrity into the government service.

William H. McCartney, collector of internal revenue, Boston :

Sets forth the present evils of the revenue system, and particularly those wrought by government detectives, or secret treasury agents and department clerks, and declaring that the only remedy to neutralize, if not altogether to obliterate this evil, is to adopt the civil service bill.

I have the honor to submit that while a collector's subordinates are employed and governed, as I have before stated, namely, as personal clerks of the collector, appointed and paid by him, there are subordinate officers of the revenue in every district for whom he is not responsible, and who are appointed by the department, such as inspectors of spirits, tobacco, oil, and cigars, storekeepers of bonded warehouses, revenue and treasury inspectors, special agents, &c., but with whom he is daily brought in contact, who are appointed and hold their positions under other and entirely different circumstances. I don't think there is an inspector of spirits, oil, or tobacco, in this district, at present, who owes his position to political influence ; but there have been such, I am convinced. And it is also true that there are to be found in every collection district certain revenue officers who act as detectives, being designated as revenue inspectors, or special agents, or something of that kind, and who must have been appointed, and who must be now retained in the service, through political influence alone ; for they are, many of them, a shame and disgrace to the department, and they are so evidently unqualified and unfitted by nature to deal with public or private finances as to be the subject of daily complaint and comment. These persons do not study or seem to realize the material interests of the revenue. Gain is their controlling motive, and office their objective point. Their operations are in secret and in the dark, and no one is safe from their attacks ; and the very nature of their employment, the covert and secret dealing, both with honest and dishonest men, begets fraud and corruption. It may be said that some of them have been of advantage to the revenue in the uprooting of frauds. So they have been, but this has been much more than counterbalanced through their nefarious raids on honest tax-payers ; and it is a fact, according to my experience, that all the work they now perform, which it is desirable to have done, can be much better and more satisfactorily (to the tax-payers) performed by the proper and legitimate officers of each district.

Under the authority granted me in your 37th interrogatory permit me to say that a great deal of the odium which is now attached to the revenue service arises from the ignorance and mistakes of the department clerks ; but, as I am convinced and do declare, *not* with the knowledge of the chief officer thereof, for it is a fact, according to my experience, that tax-payers, as a rule, are treated not as honest business men, but as thieves and marauders of the treasury, which is also true, to a very great extent, of their treatment of collectors and assessors. The great principle, that this nation is now laboring under the burdens of what is generally hoped will be temporary taxation, and that a great majority of tax-payers are ready and willing to meet all legitimate and reasonable taxation provided they can have the protection of the government in the transaction of their business, is lost sight of and abandoned, and it is much too apparent that the odious and offensive details of red tape and the spy and detective system have been substituted therefor. It may be urged that the departmental system is based on the experience of other countries where it has succeeded. To that I answer, that, as a principle, the American people don't believe in taxation at all, and that they only submit to this because it is *temporarily* necessary ; and only then unless it is liberally and comprehensibly managed after American notions. For instance, it does not benefit the revenue to charge a respectable merchant five per centum on his monthly tax, if through inadvertence or by accident he does not pay his monthly tax on the last day of the month when it is due, but does pay it on the first day of the month following. And yet it is very frequently done, and a collector has no power in the premises. Nor does it

benefit the revenue to practically stop the business of a large and respectable firm who have applied for permission to establish a bonded warehouse, because on the copy of the bond which is forwarded to the department the characters [L S] are not marked around with ink to show that the original bore a seal, and yet it has been done, and in face of the fact that the collector who took the bond certified that it was safe and good in all respects. I beg leave to add, in this connection, that I do not wish to incur the displeasure of any one in submitting this, and I have only determined to declare as I have because I think the interests of the people demand it. If it is asked how I would remedy this, I reply, that the remedy is to be found substantially in the civil service bill of last session, which cuts off the practice of appointing favorites and politicians.

W. C. Kittredge, assessor internal revenue, (late attorney general of Vermont,) Fairhaven :

34. I say that, after the assessment of the annual taxes, which is usually completed in the months of March and April, I think a less number of assistants should be employed. If the present law should be modified, as proposed by the Committee of Ways and Means of the House of Representatives, I am quite sure that four assistants can faithfully work up this district—that is, one in each county. I should need two in each county for two months in the year. I think, further, that the same rule will apply to the three districts in this State.

John R. Beckley, collector of internal revenue, Shelbyville, Kentucky, (52 persons under his control:)

37. It is my opinion that if the appointments in that grade of the service were made from candidates whose fitness for the appointment was evidenced by passing an examination conducted by competent persons, and the candidates should be required to produce testimonials of their integrity, honesty, moral and social worth, with assured and permanent employment, with promotions granted only for seniority, merit, or fitness, and no discharge permitted without good and sufficient cause, the efficiency of the service would be greatly increased.

George Q. Erskine, collector of internal revenue, Milwaukee; appointed 1867 :

37. There are two or three points I will give you my opinion upon. The law as it now stands, requiring the tax on all high wines to be paid at the distillery, is right. This law will save millions to the treasury the coming year. I think that storekeepers of distillery bonded warehouses (class A) should be required to be at the distillery at all times when the distillery is running, and distillers not allowed to run unless they are there. The office of assistant assessor in charge of distilleries would, in that case, be unnecessary, as it is now, in my opinion, of no benefit to the government. I think the bill before Congress requiring the stamping of all packages of tobacco and all cigars is a step in the right direction. It appears to me that the law relating to the collection of taxes on tobacco and cigars is very inadequate to the detection of frauds, and should be thoroughly revised. The bill introduced, I think, by Senator Patterson, looking to the doing away with the appointment of special treasury agents and others, and in their stead having 25 agents to be nominated by the President and confirmed by the Senate, will save the government a large sum of money. Besides, I think it will improve the efficiency of the revenue service. I state my views on these points with some hesitancy, in view of my limited experience.

William Welling, assessor internal revenue, Ellicott's Mills, Maryland :

37. I am of opinion that if the policy indicated by your questions is adopted, efficiency and economy in the administration of the civil service will be promoted.

John B. Warfel, assessor internal revenue, Lancaster, Pennsylvania :

Has little faith in examinations, but is in favor of a probationary service, and of reform based thereupon.

H. R. Hulburd, Comptroller of the Currency :

Would be glad to see the system proposed adopted, provided the candidate should have reached a certain age and received a good preliminary education. The principle of competitive examination, thus applied, would, in his opinion, be productive of good results, and he does not question that an equal amount of work could be accomplished under such a system by a lesser number of persons than are now employed. He has no doubt that the character of the civil service would be improved by the course suggested, with the single modification of one of the alternative methods of promotion. Seniority *alone* would not be certain to advance the most meritorious man. He declares, however, that men of high ability could not be secured for the service, excepting at a salary equal to that paid to banking institutions, which varies from \$2,500 to \$5,000. Seven gentlemen of talent connected with his department have resigned in consequence of the inadequate salary.

R. L. Wright, assessor internal revenue, Wilkes Barre, Pennsylvania :

A plan for the schooling and training of assistant assessors, to whose want of knowledge most of the present evils of the revenue service arise, must do much good.

W. H. Watson, assessor internal revenue, Atlanta, Georgia :

Strongly urges the necessity of a board of examination, and contends that, in the majority of cases, candidates for office should apply in person, and be required to furnish some record of their antecedents.

Alonzo Alden, postmaster of Troy, New York :

I believe the civil service can be made more efficient and economical if established on the same basis with the military service with respect to appointments, tenure of office, and discipline, from the chief of department to his lowest subordinate, including all intermediate grades.

I am persuaded, also, from nearly two years' experience in a free-delivery post office, that the system of free delivery, established about four years ago, involves a great expense to the government without furnishing any corresponding equivalent.

I am now paying \$11,000 per annum, and this is as cheaply as the system can be creditably maintained in this city of 50,000 inhabitants, and during the four years of the experiment the amount of postal business has not increased more than the natural increase resulting from the growth of the business of the city.

The system has, perhaps, rendered unnecessary two delivery clerks otherwise required. With an additional appropriation of \$2,000 for clerk-hire, I can dispense with the 11 carriers, thereby making a net saving of \$9,000 per annum and satisfying the patrons equally as well.

Forces in his office, 11 clerks and 11 letter-carriers.

He proposes to have additional clerks to the aggregate extent of \$2,000 annual salary, and to dismiss the 11 carriers, who cost in the aggregate \$11,000.

Hon. John M. Brodhead, Second Comptroller of the Treasury :

After declaring himself in favor of the proposed reform, and after admitting that under its operation an equal amount of work could be performed with a less number of persons than are now employed, expresses the belief that his own office would be rendered more efficient by the transfer to it of competent clerks from the offices of the respective auditors, whose work is subject to the revision of the Second Comptroller, so that no original appointment should be made to this office.

As it now is, an inexperienced clerk, just appointed from the mass of the people, may be set to revise the work of experts, and the freshly indentured apprentice is required to detect the errors and perfect the work of the master-workman. The salaries should of course be larger, so that the transfer would be a promotion; but fewer clerks would be required, and the expense would be no greater.

John Sargent, collector of internal revenue, Boston :

Thinks that the appointment of none to office but those who gave evidence of fitness for the discharge of the duties to be required of them, and the undoubted evidence of unimpeachable integrity, would add greatly to the efficiency of the service, and lift from it that load of distrust and opprobrium which a large portion of the people believe it justly amenable to.

A great point in economy would be gained by dispensing with a large portion of the revenue inspectors, and providing that the duties which they were appointed to perform should be discharged by the assistant assessors, as they always should have been, it being, in his judgment, a legitimate part of the duty intended to have been discharged by them under the original revenue laws.

James B. Ruple, assessor of internal revenue, Washington, Pennsylvania :

Declares that his views have been fully and intelligently expressed by Commissioner Rollins in his report of February 29, in letters respectively dated June 17 and July 15, 1867, and January 15, 1868, addressed to the Secretary of the Treasury.

Abram B. Longaker, collector of internal revenue, Norristown, Pennsylvania :

Suggests monthly conferences between the collector and assessor and the assistant assessors with a view of securing a uniform assessment, of detecting fraud and evasions of the revenue laws.

He does not think the per diem allowance for assistant assessors should be reduced, but urges a reform in the license to tobacconists, who should be compelled to pay their taxes on all cigars manufactured during each month or else increase the bonds for each hand.

Henry H. Bingham, postmaster, Philadelphia :

Emphatically in favor of reform; thinks the peculiar character of the post office labor would not admit of the whole proposition of question 33. A rigid test examination, however, conducted by competent persons to test the fitness of candidates for appointment, would, without doubt, increase the efficiency of the service, and allow of an equal amount of work to be accomplished by a less number of persons than are now employed.

A uniforming of all the employes of the civil service would be a progressive step. Test the experiment by uniforming the carriers employed by the Post Office Department.

Enforce by legal enactment that all appointees for general work service in the public offices should enter said service at a certain salary, and the increase of said salary to depend upon the parties' merit; and said increase to be only permitted after a certain length of service, and the increase to be specific. Increase the salary of employes after every three years of service upon the same basis as the "forage" ration in the army.

Forbid by law the discharge of employes in the civil service for political reasons, so that when men enter the service they may regard it as their life profession. Increase the salaries of employes in the civil service so that they may live honestly, and thus take the temptation to commit theft out of their thoughts.

He has under his control 327 persons not subject to test examination, but dismissed if, after month's probation, they are unfit.

Among the carriers the system of promotion is of emolument under specific law. They enter upon their service at \$800 annual salary; if found meritorious after six months' service, it is raised \$100, and after a year another \$100, making it \$1,000, which is the end of the carrier's promotion.

C. W. Dudley, assessor of internal revenue, Bennetsville :

Prefers his subordinates to be in all cases of the Caucasian race, and thinks that the officers of this government should all be "*white people*," if white people are to be ruled by them. He is emphatically in favor of the proposed reform, and says the great thing was to put the right man in the right place, without regard to the complexion of their politics. Give authority to good men and they will not abuse it. Find them wherever you can, among all political parties, and the government will be administered in the only spirit any wise man ever supposed a republic could exist.

He inveighs strongly against officers addicted to drink, and if he had the power would select officers only from persons abstaining from the use of wine or strong drink. He advocates modification of test oath, so as to make citizens eligible for office who are at present debarred from the civil service under the operation of that oath.

Assistant assessors are now paid \$6 50 per diem, or \$2,034 50 annually. Total cost in his district \$22,387 50; while citizens with proper qualifications could be employed at \$1,200 per annum, making an annual saving of \$9,179 50.

Carr B. White, assessor internal revenue, Georgetown, Ohio :

Evades the questions relating to reform upon the ground that there are no grades in his office, but suggests to make the tenure of office commensurate with a diligent and faithful discharge of duty. He urges to hold the Commissioner of Internal Revenue responsible for assessors and assessors for assistant assessors, giving each power to suspend or dismiss for neglect or inefficiency of duty, in which case he thinks the revenue would be increased one-fourth, with same or less expense to the government.

He declares that the great frauds on the revenue are in the collection of tax on whiskey and tobacco. Most of this could be prevented by holding the assessors and collectors responsible for it. But little fraud could be practiced if the officers did their duty. The storekeeper or inspector must be suborned, to succeed at the distillery or bonded warehouse, but, to make the matter easy, the assessor, assistant assessor, and collector must be in the ring. The ring being able to pay more to these officers than the government, the avaricious find it hard to resist and generally yield. They expect to hold the office but a short time, and want to make what they can while they do hold it; hence, many who yield, if they were sure of retaining office during good behavior would not.

J. C. Geer, collector internal revenue, Boise City, Idaho Territory :

Suggests that the civil service be placed upon the same footing as the military service as far as the tenure of office is concerned. He knows from experience that it is simply impossible to defraud the government out of one dime without either gross negligence or complicity on the part of the officials. He urges upon Congress the necessity of doing away with the present army of useless agents and the adoption of some such system as proposed, and of using a fair proportion of the money saved by abolishing all useless appendages of the government in paying honest and efficient officers a fair salary, in which case the service would, in his opinion, be better performed, and at less aggregate cost to the government than in any other country in the world.

He states that there are two special Indian agents in Boise City, Idaho Territory, who are

drawing \$1,500 per annum each, and *literally doing nothing*. He does not suppose for a moment that they are the only agents paid by the government for doing nothing. Let economy reach those ornamental gentlemen as well as the hard-working revenue officer.

Abram Hyatt, assessor internal revenue, Sing Sing, New York :

Urges the enlargement of the districts, say, one collector and one assessor for each judicial district, (there being eight in the State,) to be examined by a board to consist of the Secretary of the Treasury, Commissioner of Internal Revenue, and the chairman of the Finance Committee of the House of Representatives. He would also have the office of assessor and collector in one and the same city or town, and hold them strictly responsible for the acts of their subordinates. He would issue no commission to any subordinate unless evidence of qualification accompanied their application. He would have no interference by officers from one district in another, save, perhaps, by a general agent or inspector, who, if he be a proper person, could be very useful. In other respects, he thinks the collector and assessors should be allowed to take entire charge of their own district and be held responsible accordingly. He would have each to give a sufficient bond for the faithful performance of his duty, both officers to be under salary.

George M. Woodbridge, assessor internal revenue, Marietta, Ohio :

Evades the questions touching reform upon the ground that they do not apply to his office, but declares that in the rural districts, such as his, it was not economy to put up the per diem of assistant assessors to \$5, and the abandonment of the requirement that 10 hours' work should constitute a day, he characterizes as unfortunate.

Cole Noel, assessor internal revenue 5th district, Iowa :

So far as concerns the sub-revenue branch of the civil service, I would, upon further consideration, respectfully make the following suggestion :

If the time from which special taxes commence running (May 1st) were changed to January 1st, to correspond with income tax, and the annual assessment were ordered in January instead of March, I have strong reason to believe that the work of assessing and collecting would be more thoroughly, more easily and speedily done, and, of course, more economically, and that it would result in an increase of revenue to the government.

John W. Douglas, collector of internal revenue, Erie, Pennsylvania :

Removed one of his subordinates upon the ground that he was *a consistent thief and an inconsistent preacher*; declares himself emphatically in favor of the proposed reforms; animadvert upon the system of paying commissions or irregular compensation to revenue officers, and urges the adoption of fixed salaries for all government officers. He is satisfied that permanency of employment, a system of promotion and examination, and regularity of compensation will tend to make the civil service more efficient and economical.

Jesse Wheeler, assessor internal revenue, Greensboro', North Carolina :

In favor of the proposed reform; urges legal provisions and regulations with a view of checking the system of blockade runners.

About three-fourths of the revenue of his district (5th district of North Carolina) is derived from the tax on tobacco. A very considerable portion of it, that is assessed for tax, is removed from the district in wagons by pedlars. Under present regulations fraud cannot be prevented. He suggests to accompany each removal (not in bond) by a permit from the collector of the district, properly identifying the parcels or packages covered by the permit, and said permit to be indorsed by every revenue official to whom it is shown so as to prevent it from being used twice.

He recommends the same provisions in regard to tobacco, which may be offered for less than the tax, that there is in regard to distilled spirits, except in cases of tobacco accompanied by official certificates attesting to it having been damaged after it had been manufactured.

John B. Ailworth, assessor of internal revenue, Drummondtown, Virginia :

Thinks that some plan should be adopted for the purpose of reducing the expense of assessing the income tax, which, in a purely agricultural district, yields but little income to the government. The deduction of the \$1,000 exemption allowed the farmer exempts almost the entire community from the payment of any income tax. It is a fact that the very best tax-payers to the State do not pay a cent into the federal treasury, and this causes great complaint on the part of those who pay special taxes. I think the exemption should be reduced, or that such a modification of the law be made as will authorize the Commissioner of Internal Revenue or the assessor in certain localities to dispense with such a general visitation on the part of assistant assessors as the law now seems to make obligatory.

Thomas L. Sternberg, assessor of internal revenue, Lawrence, Kansas :

Rather evasive on the subject of reform, but elaborately calling attention to the vast difference in the compensation of assessors compared with the amount of labor performed by each, which is lighter in eastern and populous than in remote western and scantier districts.

J. H. Warren, collector of internal revenue, Albany, Wisconsin :

Fully agrees with the report of Commissioner Rollins, and with the remedies he proposes. The present evils of the revenue service are not as much due to the defectiveness of the law as to the indolence, inefficiency, and corruption of revenue officers.

To remedy this, the Commissioner should have the power to remove for cause any revenue officer and to appoint his successor.

To require a man to be responsible for the proper administration of a department so important as that of the revenue of the government, and at the same time deprive him of the authority to select and govern his subordinates, seems to me unjust, unwise, and highly prejudicial to the best interests of the government.

He is powerless to remedy the evil growing out of the practices of the corrupt and inefficient for the reason that he has no authority to remove them and appoint in their stead honest, capable, and diligent men.

Until this power is given to the Commissioner I am unable to understand or conceive how he can even retrieve the revenue service from the reproach under which it is rapidly falling.

John S. McFarland, assessor of internal revenue, 2d district, Kentucky :

Is rather inclined to believe that if the employment was assured on account of merit alone and no removals permitted except for cause, that it might and would be the means in the course of time of redeeming the employés in the revenue department from the terrible suspicion that now rests upon them, in consequence of the frequency and magnitude of the frauds committed upon the revenue.

He thinks that a uniform salary of \$2,000 should be allowed assessors and no commission allowed unless their assessments exceed \$300,000 or \$400,000. This change could be made without increasing the aggregate cost; I presume it would be reduced; as the law now stands they only get \$1,500 salary, less five per cent. on \$500 thereof, unless their assessments exceeds \$100,000, and their commissions upon sums above that until their pay may reach \$4,000. But in my district, and I presume in a great many others, under the \$1,000 our assessments do not reach \$100,000; consequently we have to live and support our family on \$1,675 per annum; and I assure you, at the present rate of house-rent and provisions, I have precious little left of my salary to buy clothes with.

W. S. Cunningham, collector of internal revenue, Danville, Illinois :

Retain men for merit and integrity; take the service out of politics as much as possible; punish unfaithfulness surely and severely, but investigate both sides of all cases when charges are preferred. Tax whiskey \$1 per gallon on capacity of still, and enforce the criminal law against delinquent distillers and whiskey thieves.

C. M. Walker, Fifth Auditor of the Treasury :

Regards it as unquestionable that the efficiency of the public service would be increased by some reform, substantially like that suggested, and the equal amount of work performed by a lesser amount of persons, if *incompetent* clerks could be weeded out and the appointment of any such in future prevented. But to secure such superior qualifications higher salaries would have to be paid in these times. One of the greatest difficulties experienced is the frequent *resigning* of skilled and competent men because they can do better elsewhere. It would be true economy to increase the *compensation* and to decrease the *number* of government employés. The same principles of appointment, advancement, promotion, &c., should, in the main, apply to the female as to the male clerks.

Permit no discharges except for cause, and approximate the civil service as much as possible to a "career" or life pursuit.

Hon. Thomas Russell, collector of customs, Boston :

Is satisfied that the efficiency of the service would be increased by having a rigid test examination before each appointment and each promotion. Something might be accomplished in this direction by a circular from the department calling attention to the regulations and requiring that the examinations be less formal and more substantial than it has been heretofore.

He expresses the firm belief that the civil service would be more efficient if every appointment and promotion were preceded by a rigid test examination, and that such appointment should depend wholly on the result thereof, provided that no persons should be admitted to examination without preliminary proof of good moral character, satisfactory to the appointing or nominating power.

Besides this good effect, the appointing officer must be relieved from the incessant applications which harass officers with appointing power and consume, as in his case, time which ought to be devoted to more legitimate business.

F. E. Volz, collector of internal revenue, Pittsburg, Pennsylvania:

Thinks the collectors and assessors of internal revenue should be paid a salary in full for services, and the percentage, now allowed, cut off. Likewise that the salaries be established in proportion to the amount assessed and collected and the other labor necessarily required to be done in the offices.

The government should have the appointment of all subordinates in these two offices.

E. W. Puddington, collector internal revenue, Kingston, Ulster county, New York:

Advocates a system of stamps to be applied at the distillery upon payment of tax, which should be daily, so as to prevent fraud and deception.

John H. Oley, collector of internal revenue, Kanawha Court House, West Virginia:

Urges the abolishment of all systems of fees and commissions, and the appointment of a fixed salary for each officer, with allowance for proper and necessary expenses.

Collector Rose, Lewistown, Pennsylvania:

States that the efficiency of the service would be greatly promoted by the adoption of the system indicated. Such a system would secure competent and faithful collectors and assessors. These officers should be left perfectly free and untrammelled in the selection of all their subordinates, and should be held to a strict account for the actions of the same. Whiskey inspectors and storekeepers should be appointed by the collector and should hold their offices during his pleasure.

Collectors and assessors should be directly under the control of the Commissioner, and all subordinates under the control of the collector and assessor, and each should be held responsible for a faithful discharge of official duty.

Luke A. Taylor, assessor of internal revenue, Prescott, Wisconsin:

Suggests a law giving the entire amount of fines for fraud to the informant, who should be responsible for costs if the case failed. This would secure increased revenue by removing temptations to combine with offenders in the commission of frauds, and take from the transgressor the ability to compromise with officers or others who may have discovered the cause of complaint.

E. R. Tinker, collector internal revenue, North Adams, Massachusetts:

Seventeen persons under his control are emphatically in favor of the proposed reform.

Jacob S. Bugh, assessor internal revenue, Wautoma, Wisconsin:

Twenty-four persons in favor of the proposed reform. Urges that the office of general inspector of spirits and the office of inspector of tobacco, snuff, and cigars should be abolished, and the duties now performed by such inspectors devolve upon assistant assessors.

He further urges the collection of taxes on distilled spirits at the still, and the abolishing of all bonded warehouses.

He attributes the present evils of the revenue system to the frequent removal of revenue officers, and to the failure of the courts to heartily co-operate with revenue officers in the enforcement of the law, particularly that relating to distilled spirits.

A. Loudon Snowden, chief coiner United States mint, Philadelphia:

To those who accomplish this great work will belong the honor of having inaugurated a new era in the history of our country. She will arise from the dust and cast off her old garments stained with the corruption of the times, and in a new and spotless robe march on to the accomplishment of her great destiny. The offices and officers of the land will not alone be benefited and elevated by this separation from the influences of partisanship, but our politics and politicians will feel the ennobling effect of this second great "Proclamation of Emancipation."

It is in view of all these important and vital considerations that I witness with profound satisfaction the efforts now being set forth by men of character and patriotism at Washington and elsewhere to reorganize the civil service of the United States upon a sound and enduring basis; and do I not speak but the words of soberness and truth in declaring that the man who most prominently identifies himself with this great reform, who labors most earnestly, and strikes the most fearlessly and effectively against the present defective and corrupt system,

will insure for himself a place on the pages of our history and in the hearts of all true lovers of our country that can alone be occupied by him who does a great and enduring work in behalf of the highest and noble interests of our people and age.

The working of the contemplated system would afford in itself a premium for honesty and faithfulness in the discharge of duty.

Under its working a class of men would be induced to enter the public service who have hitherto declined to apply for office under the government.

The offices of the country are comparatively few, and yet their corrupt and unnatural use is rapidly lowering the standard of public morals and making us a nation of office-seekers.

Make the tenure of office during good behavior, and even men of defective moral character will, from very selfishness itself, if from no higher motive, be directed into honest paths.

From the internal revenue department of the government alone there is this day a mighty river of corruption issuing forth, which, unless checked by some wise legislation, will not only deplete the treasury, but utterly demoralize our people.

As our institutions rest on the virtue as well as upon the intelligence of the people, these undermining and corrupt influences are most surely and fatally sapping the foundation of the republic.

Since the formation of our government, (always excepting the blighting cause of slavery,) no evil has so warred against its fair fame, or endangered its permanency, as the consequences that flow mediately or immediately from the corrupt use of the offices of the land for partisan or selfish purposes.

Lewis Hall, assessor internal revenue, Jamestown, New York:

After fully indorsing the proposed reform, suggests that a department be created for each revenue agent or an officer of like powers who will be a connecting link between the district officers and the department at Washington, and who shall be made responsible for the economical and efficient operations of this department.

John H. Hudson, assessor, Richmond, Virginia:

Declares that the internal revenue service could be made more economical, efficient, and profitable to the government if the laws now under contemplation by Congress were made plain and explicit, the duties and responsibilities of each officer clearly set forth, and he held strictly accountable for the proper administration of his office.

John B. Headley, collector, Morristown, New Jersey:

Urges the discharge of the vast army of revenue inspectors and agents, the selection of collectors and assessors with particular reference to ability, honesty, and integrity, and not on account of political influence; a fixed salary from \$2,500 to \$6,000, in accordance with amount of labor and size of district, &c., holding them to a strict account for all frauds committed in the district, and to be removed at once if found guilty by the district attorney.

Joseph W. Gates, assessor internal revenue, Lyons, New York:

Urges that persons whose attention or any portion of it is occupied by any other business should not be eligible to an appointment in the revenue service; and that assistant assessors should have divisions so enlarged as to be constantly employed.

Saunders, collector of internal revenue, Memphis, Tennessee:

Urges the preparation of a well-arranged digest of the revenue laws, rulings of the department, regulations, decisions of the courts, &c.

George C. Tyler, collector of internal revenue, Onancock, Virginia:

Thinks the plan suggested by question 33, together with a fair remunerative salary to officials, would be a great improvement on the present system. It would perhaps be better to give to collectors and assessors a salary each, ranging from \$3,000 to \$5,000, according to the amount of duty devolving on them, without additional commission or percentage, except reimbursement for expenses incurred in extraordinary work, (to be judged of by the department,) and taking from the collectors the burden of paying for services of deputies, clerks, and office expenses, the government paying all subordinates of collectors as now it does for assistant assessors. With such an arrangement, in a little while, there would arise a mutual respect and confidence in the whole official corps, which it more than now obtains, and which would inspire the officers with a commendable vigor, and desire to be faithful and to please. It would be well to clothe officials with power to summon, and compel assistance, in certain cases where it is necessary to seize and distrain on account of infractions of the law, or in collecting the revenue.

Wm. H. Smith, collector of internal revenue, Easton, Maryland:

Is satisfied that the only sure way to enforce the revenue law is to create a civil service such as recommended by the Commissioner in his report.

John M. Donn, assessor of internal revenue, Norfolk city, Virginia :

The adoption of the proposed system has his fullest sanction, based upon convictions derived from many years of observation of the present system.

P. M. Neher, assessor of internal revenue, Troy, New York :

Hails reform with delight, but has misgivings in regard to its political practicability ; yet he thinks there is much force and logic in subjecting candidates for responsible positions to tests of fitness and capacity, even though the machinery or powers were of partisan character, but is afraid that, by vesting the power now devolving upon heads of departments in a committee, must be productive of complications.

Jos. E. Lancaster, collector of internal revenue, Nebraska City :

Examinations alone could not decide in that part of the country ; as in addition to business talent, the positions for the revenue require industry, pluck, and considerable knowledge of frontier life.

F. A. Sawyer, collector of internal revenue, Charleston, South Carolina, (graduate of Harvard College, and a teacher all his life :)

Has no doubt that the plan proposed would be of advantage ; but the fact that many a man makes a first-class subordinate, but will be quite unfitted for a principal and controlling position, should never be ignored.

C. Shuter, collector of internal revenue, Sparta, Wisconsin :

Thinks the proposed reform will most undoubtedly be beneficial, as is satisfactorily known in the English system of examination for civil officers.

37. I would suggest that the pay of assessor and collector of internal revenue should be graduated according to the amount of labor and responsibility of their offices ; that all fees or commissions should be discontinued ; all subordinate officers of the revenue, as deputy collectors, inspectors, &c., should be paid by the department ; that the bonds of the several officers of the government should be graduated according to the amount of responsibility or amount of moneys passing through their hands, and not, as now, according to the office they hold. All inspectors are required to give bonds in \$5,000. I have two inspectors of cigars in this district, the amount of whose compensation is less than \$25 per annum, and they consent to act at all only to oblige me. My office as disbursing agent requires me to give bonds to the amount of \$10,000 ; the amount disbursed by me to others than myself will not average \$850 per month, and which disbursements are made monthly by me as soon as money is received for the purpose. I think it of the utmost importance that all civil officers should be qualified for the offices with which they are intrusted, and that politics should not be considered a necessary qualification. I am of the opinion that but too many holding responsible positions are totally unqualified, and that the whole of their duties are performed by their subordinates. I would respectfully call your attention to the great disparity between the compensation of collectors in thickly and sparsely-settled districts. The commissions of the former are very large in many instances, while in the latter both salary and commissions amount to the sum paid to not high-class clerks.

F. S. McNeely, postmaster at Trenton, New Jersey, an emphatic reformer, suggests abolition of franking privilege, and the leasing out of stamp stands instead of appointing stamp clerks, by which an annual saving of \$100,000 would be effected :

Allow me to say something in regard to the "franking privilege." For nearly 20 years I have seen it abused most shamefully ; and it is my decided opinion, that to correct the abuse, you must abolish the privilege. The abolition of the frank would very largely increase the revenues of the Post Office Department. I have in the lobby of this office a news-stand, at which postage stamps and stamped envelopes are sold. The news dealer pays three hundred dollars (\$300) a year rent for the privilege of having said stand. A stamp clerk would have to be employed if the stamps were sold by me. By this arrangement the government saves at this office thirteen hundred dollars (\$1,300) annually. If this plan was generally adopted, the government would save at least \$100,000 annually.

A. G. Leonard, assessor of internal revenue, Parkersburg, West Virginia :

37. I think if more care was taken in securing proper persons to fill the various and firmness of character, with a due regard for the experience, educational and social acquirements of the applicants, the service would be vastly improved. I am firmly of the opinion that, if such men could be selected and induced to enter the service, there would be no necessity for resorting to the very questionable policy of reducing the tax on spirits and tobacco, thereby seeming to acknowledge that there is not virtue and integrity enough left in the land to execute the laws.

In addition, would suggest that all officers of government should give bonds with suitable security conditioned for the faithful performance of the duties of their office.

Again, would say that suitable checks should be so arranged that no government money could possibly come into the hands of one officer without a fair charge on the books of another. There is at this time no check on the collectors in the return of unassessed penalties. They are required now to return monthly, on form 58, all unassessed penalty. This form is received by the assessor and charged up to the collector, without *any mode whatever of verifying its correctness* in this particular. And now, to secure the proper officers, I suggest, instead of revenue inspectors—who, so far as my experience goes, are very expensive without much efficiency—for each district, as now exists, that there be one revenue agent, who should be appointed to have the supervision of three districts, with suitable compensation; that he be appointed from the most experienced and efficient officers now in the service in the various districts; that three of these agents should form a board for the examination of all applicants for office in the various districts and divisions, and without their recommendation no appointment or promotion should be made in the several districts or divisions over which they have for the time being the supervision.

Average pay per month, for the year 1867, of assistant assessors.

First division.....	\$105 93	} Average per month each division.
Second division.....	121 53	
Third division.....	127 09	
Fourth division.....	51 30	
Fifth division.....	83 40	
Sixth division.....	30 52	
Seventh division.....	47 38	
Eighth division.....	92 31	
Ninth division.....	22 78	
Tenth division.....	18 88	
Eleventh division.....	68 22	
Twelfth division.....	35 49	
Thirteenth division.....	117 74	
Fourteenth division.....	120 58	
Total.....	1,042 58	

General average of each division per month, \$74 42.

W. Grant, collector of internal revenue, Greensboro', North Carolina :

In favor of reform; submits that owing to the scarcity of railroads, telegraphs, and mail facilities in his district, and in the south generally, frauds on a small scale are more easily perpetrated than in the more densely settled districts of the north, small distillers and manufacturers "running the blockade" with wagons into adjoining districts.

He suggests as a remedy the prosecution and arrest of such parties, and the seizure of property removed in violation of law wherever found. Under the present law, violators of the law escape with impunity.

He urges that manufacturers before shipping tobacco should be required to procure permits from the collectors of the district to ship the same, the manufacturer at the same time giving his note, with at least three good securities, to be regarded as additional security for the payment of the tax.

He advocates the appointment of those who have served in the Union army as collectors of internal revenue throughout the south, upon the ground of its securing a more co-operative system between collectors, and of contributing materially to the suppression of fraud and increase of revenue.

He boasts of having collected in nine months about \$571,000, while his predecessor collected only in 12 months about \$336,000, though under his administration the distilling of grain was entirely prohibited by General Sickles, and more than a hundred distilleries had been at work under the 12 months of his predecessor.

F. Renner, assessor of internal revenue, Nebraska City :

Urges a heavy special or license tax as a substitute of the present tax upon distilled spirits; further, the more efficient administration of justice and the withdrawal of the power of compromise from the judicial officers. No procrastination in revenue cases, as quashing indictments, entering *nolle prosequi*, &c., should be permitted in the revenue cases, and all decisions be prompt and decisive.

District attorneys should never be permitted to have law partners actually acting as attorneys for the defendant while carrying on the prosecution for the government.

J. M. Cornell, assessor of internal revenue, Lancaster, Ohio :

I received on the 14th instant a circular dated January 20, 1868, issued by the Joint Select Committee on Retrenchment, and signed by you for sub-committee on the civil service,

in which I am requested to answer in writing certain questions appended to the circular, concerning my connections with the civil service of the United States, and to furnish "such comments on the condition of the civil service and the best method of making it more effectual as I may see fit to add."

In response, I will answer the first 13 questions, touching particularly my own relations to the service and fitness for it, in one connected recital.

I am assessor of United States internal revenue for the 12th district of Ohio; was appointed by the President and confirmed by the Senate on the 18th day of June, 1866, and entered upon the duties of the office July 14, 1866.

J. M. Connell, assessor 12th district, Ohio :

I was in the civil service of the United States in the years 1857-'58 as chief clerk of the bureau of the First Comptroller of the Treasury, in which bureau I served 13 months, terminating my service by voluntary resignation to return to my professional pursuits. Before this I had served as district attorney, eighth judicial district of Indiana, for one year. I was in the military service of the United States during the rebellion, as colonel of the 17th regiment Ohio volunteers, for 30 months, resigning, when unfit for duty by reason of disease contracted in the service, to take my seat in the senate of Ohio, to which elected while in the field. I served two years in the senate of Ohio.

Prior to my appointment to the office of assessor I was engaged in the practice of law. I was admitted to the bar in 1850, when 20 years of age.

I had no collegiate education; was educated in private schools and academies, terminating my course of study at Greenfield Academy, a boarding-school in this county, at the age of 16, at which time I had pursued a course of six years' study of Latin, four of Greek, six months each of French and German, and two years of higher mathematics and natural sciences. I then entered upon the study of the law, and continued therein four years, until admitted to the bar.

I have ever since principally relied upon my profession for support when not in public service.

I have computed the income of my present office for the year 1867; it was in that year \$2,700, not equal to the average of my annual earnings in my profession when steadily pursued.

It is needless to state that I was not subjected to any examination in regard to my qualifications for my present office.

I have understood that I was appointed by the President, with the advice and approval of the Commissioner of Internal Revenue and of the Secretary of the Treasury, my qualifications being certified to by those who recommended me for the position, and being further attested in the faithful and satisfactory discharge of public duties in the official positions of trust I had held. I was recommended for this office by leading business men of my district, by Senator Sherman, by the members of Congress from my State with whom I had personal acquaintance, by Governor Anderson, members of the legislature of Ohio, and by my military record, professional standing, and prior official experience.

I make such official reports to the Commissioner of Internal Revenue as are required by law and regulations, or become necessary in the performance of my duties. None are in print. But I would here suggest that if the committee wish to learn something of the history of whiskey frauds, and of the conduct and character of the revenue officers of this district, an examination of my report to the Commissioner of Internal Revenue of an investigation of alleged frauds by Emmitt Brothers, distillers, dated February 1, 1868, and on file in the office of the Commissioner, may prove both instructive and interesting.

My office hours and labors are as they were when practicing my profession; my office is open and public business transacted from 7 o'clock a. m. to 9 o'clock p. m. No arrearages or delays are allowed. All reports, entries, records, and correspondence are made and completed without delay, and as required by law and regulations.

To the questions from 14 to 33, having reference to subordinates employed in this district, I will also present one answer covering all of the inquiries.

The assessor of this district has the appointment of one clerk for his office, and on his recommendation the assistant assessors of the district are appointed by the Secretary of the Treasury. After I had entered upon my duties as assessor, I found, as I believed, too many assistants employed. I reduced the number, discharging six, and continuing in employment eleven; also one assistant in addition was appointed to be placed in charge of Emmitt Brothers' distillery, which has been running constantly for more than a year, producing an average yield of 2,500 gallons distilled spirits per day.

In country districts like this, assistants are constantly employed only in the large towns, of which there are three in this district. Eight assistants, therefore, assessing in country divisions are occupied only a few days in each month, except when making the annual assessments upon incomes.

I have had about 20 applications for appointment as assistant assessors, eight of whom have been appointed on my recommendation. By consolidating divisions I reduced their number six, thus discharging six assistants; of the remaining eleven two resigned and six were removed. Three who had served for several years were retained.

The removals were made for the following causes: absence from division and neglect of duty, one; inefficiency, three; to give place to men of superior capacity who had served in the union armies, two. Nine assistants (including one in charge of the distillery) have been appointed on my recommendation for merit and qualifications, political and personal considerations being subordinate thereto; the three retained in office were so retained without regard to political considerations, because of their fitness for their positions; two of them are republicans, one a democrat; of the nine new appointees, six are republicans and three democrats.

Of course none of these assistants were subjected to the test of examination by a committee. As I am in a great measure responsible for their acts, I satisfied myself of their fitness. They were selected, as your committee would select its clerk, or as a banking or business house would choose its employes, for their integrity, industry and qualifications.

1. Over 50 years of age, is an able lawyer of thirty years' practice, high character, qualified by education, experience, integrity, habits and ability, for any position under the government. Has had four years' experience in his present position, and knows more of his duties than any committee that could be selected to examine him in regard to them.

2. Over 50 years old, has been a merchant for many years, a correct business man of strict integrity, energetic, good business education, clear-headed and faithful in discharge of duty; he too has had four years' experience in his present position.

3. 50 years old, formerly proprietor of a printing establishment, competent and faithful, with good judgment, and four years' experience in his present position.

4. Over 50 years of age, a lawyer of good standing, well educated, able, faithful and zealous.

5. Over 50 years of age, of large business experience, formerly a canal superintendent, good education and abilities, active and faithful, and peculiarly well fitted for his position.

6. Over 30 years old, a merchant who left his business to go into the army, where he lost an arm; of correct habits, good education, faithful and well qualified.

7. Over 30 years old, farmer and schoolmaster, well educated, lieutenant and captain in the service for four years, well qualified for his position.

8. Over 50 years old, farmer, formerly county auditor, a superior man in every respect, fine education and large business experience.

9. Over 50 years old, a lawyer of good abilities, high character, great industry, and a first-class officer.

10. Over 30 years old, a good lawyer, well educated, of correct habits, faithful and fitted for any government office; was colonel of a regiment in the late rebellion, and was greatly distinguished in the service.

11. Over 60 years old, was clerk of court for many years, of high standing, large official experience, a first-class man, with no defect as an officer except age.

12. Over 40 years of age, a physician, highly educated in European schools, of great abilities and large experience; fit for any government office; was in the military service in the war of the rebellion.

These appointments have been made on my recommendation, which was given in nearly every instance because of my personal knowledge of the fitness of the appointees; and I may here say, by way of general answer to several of your inquiries, that in this district, since my accession to the office of assessor, the employes of the United States revenue service have been as carefully selected with reference to qualification and merit, and with as little regard to personal or political considerations, as the employes of any private business establishment in the district.

Promotions in the revenue service in the country districts cannot occur, as the law requires each assistant assessor to be a resident of his division; nor does long service, without zeal and high character, (which neither education, competitive tests, nor constant employment can give,) add to the efficiency of revenue officers.

Under the present system there can be no grades of office in the assessment districts. The same duties are to be performed by all assistants, and all should be equally well qualified. The frequent changes in the revenue laws prevent officers from acquiring permanent and useful knowledge of official duty by experience.

If it be desirable that those who execute the laws should be prepared for that service by a course of study and experimental labor required by law, it is also essential that those *who make the laws* should "pass rigid test examinations" to give evidence of their fitness for their duties before being allowed to discharge them. The imperfections of the internal revenue system, and errors in its workings, are mainly attributable to defects in the law, and the cumbrous and unwieldy machinery prescribed by law for its execution. I have no hesitation in saying that so far as I have knowledge or information in regard to the character, experience and ability of the officers of the internal revenue service, they not only compare favorably with the lawgivers of the nation, but have merit and ability above the average standard required for the making of a respectable congressman.

As you have called for my "comments on the condition of the civil service, and the best method of making it more effectual," I will very frankly state that, in my judgment, nothing could be more disastrous than an attempt to create a civil service system in analogy to military service in the regular army, and borrowed from the governments of Europe least popular and most antagonistic to republicanism.

The theory is totally opposed to our system of responsibility to the people, is exceedingly unpopular, and its adoption would be temporary. It would only tend to derange our executive system for a time, and could not last two years before it would be made a political test question, and it would be buried with the party which advocated it by a popular majority that would be overwhelming. A permanent army of civil-service men, nearly as large as our armed forces during the war, fastened upon our government, irresponsible to the people, and creating a distinct caste, segregated from and independent of the people, would become so offensive in this free government as not only to arouse a great political storm, but to cover with popular odium all connected with it.

The tendency of the popular will and judgment *is towards making all offices elective*; even the judiciary in perhaps all of the States has been made elective through this tendency; and so jealous are the people that it has long been difficult to maintain a small regular army, and a military establishment as large as the proposed civil establishment would never be permitted. Our people learned to appreciate the great efficiency of the volunteer service during the war, and were taught that from the farm, the office and the workshop could be furnished soldiers and officers superior often to the hotbed growths of a permanent military service establishment.

Even, therefore, if the proposed civil service system would be more efficient for the execution of our laws than the present, its unpopularity would be an insuperable objection to its adoption. It would be too ephemeral to be of any benefit, and the derangement of the public business by its brief use should prevent its adoption.

I cannot, however, believe that the system proposed would secure more competent officers or better and more prompt and faithful discharge of public duties. It is the people's business that is to be done, their interests to be cared for, and any removal of the people's agents from direct responsibility to their principals would be unwise and improper.

While in the Comptroller's office at Washington I had good opportunities for testing your proposed system, for up to that time it was acted upon in the departments. A majority of the clerical force of the Treasury Department were old clerks with assured positions, trained for years in the department, and rising in grade by promotion for seniority and merit. In the bureau of which I was at the head of the clerical force were some clerks who had been in the service for from 20 to 50 years. I found it true that few died, none resigned, and removals seldom occurred. The old clerks, the "civil-service men," were numerous enough to control and shape the business of the department. I saw daily the effects of such a system in the creation of a "circumlocution office," such as was satirized by Dickens; "red tape" circumscribed everything; dreary routine wore out all energy and life in performance of duty; the civil-service men walked the treadmill of daily duty as patiently and lifelessly as blind old horses, "assured of their positions." They put in so many hours of each day in feeble, slow efforts "how not to do it." Arrearages accumulated, ancient precedents clogged all rapid action, and served as pretexts for needless delays, unjust settlements, and unintelligent rulings. I can imagine no worse fate for a young, vigorous, energetic man of brains than the stifling life of a department clerk under this circumlocutory system of service, and no more inefficient way of doing the public business.

In the comptroller's office I had the assistance of three or four clerks newly appointed and fresh from active life, with hopes of return to the outer world of life and action, who looked upon rotation in office as safety to themselves, and as beneficial to the service in frequently infusing new blood and vigor into the executive offices. I can remember well one John Bedel, a young lawyer from New Hampshire, fresh, active, and hopeful, whose official duties were performed with zeal and intelligence, who was not satisfied merely to sit six hours a day at his desk, but who averaged 10 or 12 hours a day of hard, exciting, official labor, who almost terrified the dreary, sleepy old clerks by his energy, and who in a day would get through more actual work than any two of the old civil-service men could do in a week. I noticed many such cases, and all satisfied me that the civil service in the departments needed reform by adopting a system of frequent changes, and bringing the employes of the government more directly under the control of the people.

In all popular governments short, prescribed terms of service in civil office is an unvarying rule. Experience, justice, and sound judgment all justify it. Life tenures of office are odious in all republics; they are corrupting and paralyzing, and no State constitution now exists which recognizes them. In no constitutional convention in the last thirty years have there been found politicians or statesmen who had the hardihood to defend the life tenure-of-office theory. Experience, therefore, certainly shows that the innovation proposed in the civil service bill is unpopular, dangerous, and without precedent.

You will excuse the freedom and extent of my comments. I understood them to be invited, and I felt glad of the opportunity of stating freely and at length my views. I now give them without personal or political bias. Politically I am without party affiliation, and personally I cannot in any way suffer by the adoption or rejection of the proposed civil-service system.

I have only to add, in response to the 37th question and last, that my experience and observation have led me to believe that in the execution and administration of the internal revenue laws, it would be well to abolish the offices of district assessors and collectors, and substitute a deputy commissioner of internal revenue for each State, with his office at the

capital of the State, and with the same powers within his jurisdiction that are conferred upon the chief commissioner at Washington, though subordinate to him. The clerical force of his office would not be more costly than the allowance for clerk-hire to the district assessors now is. There should be one inspector or police agent for each State, subordinate to the deputy commissioner, and one United States assistant treasurer under his control and orders. With this system adopted there would need to be but one collector in each county in the State paid by salary, (or the county treasurer might be authorized to receive United States taxes,) and but one assessor for each county where the total internal revenue taxes would not exceed \$100,000 per year, (the number proportionally increased in counties where larger assessments would be made,) to be paid by commissions not to exceed \$2,000 each per year.

I know that this system would be better, more efficient, and more economical than the present, and I could give many reasons for its adoption, and merely suggest that I believe the district system causes or encourages and furnishes facilities for the commission of nearly all of the great whiskey frauds.

I have not the slightest idea, however, that Congress will ever make a change such as I have suggested, for the reason that politicians, the men who get into Congress, generally *first* look to political results even regardless of the interests of the country, and district assessors and collectors, with their subordinates, furnish too often an active corps to manage conventions and secure nominations in the interests of congressmen to be dispensed with.

In fact, I fear that civil-service bills, civil-tenure laws, and projects for the reformation of the civil service, have had their origin or adoption in the fears and jealousies of politicians who think more of the success of "the party" than the good of the country, and who would cripple their adversaries by depriving them of political appliances that they would gladly use themselves, if they still had the manipulation of them.

Dwight Webb, esq., of the New York custom-house, makes the following statement :

It may be safely affirmed that there is no doubt of the prevalence of a wide-spread disposition to evade the revenue laws of the country. The distemper is indeed epidemic, and without a parallel in the history of the government. The change which has taken place in the national spirit, under our present tax and tariff laws, superinduced by other causes, is not only alarming, but must, unless checked, prove fatal to the collection of revenue. That it can long prevail without subverting the bulwarks of public credit is quite impossible. Not only individual avarice, but in many instances powerful combinations, able to direct and control the elements which constitute the social, political and financial forces of the country, are organized to this end, and without the restraints ordinarily dictated by prudence.

It is therefore evident the legislative and administrative departments of the government are compelled to choose between the means necessary to control the disease and the cause of revenue itself, either to withdraw the demands of the government or to enforce them. To insist on a withdrawal or to neglect to use means to enforce the laws would be, in fact, to abdicate authority altogether. It is with the American people, as elsewhere in matters of government, of the first importance to distinguish things of accident from those arising from permanent causes. The former may not demand immediate or vigorous measures, but the latter must be met. With us the difficulties which beset the collection of our high rates of imposts belong, most undoubtedly, to the latter category, and will, so long as such high rates prevail.

It must be apparent to all considerate men that the government has but one course to pursue, and that course is, to meet the issue with firmness commensurate with the magnitude of the interests involved. To do this successfully our legislators must here regard—

1. The inherent weakness of revenue laws as compared with other written laws.
2. The opportunities and inducements everywhere offered for their non-observance, and which will no doubt be found in exact ratio to the increase or diminution of the rate of duty imposed.

3. The duty of the government to protect legitimate commerce.

4. That salaries and gratuities to customs officials and others should be adapted to the nature and extent of the requirements of the revenue.

5. That not only all preventive means now employed, but even other measures more energetic, are requisite to their due enforcement, rather than those less so, and that they should be in proportion to the difficulties to be encountered.

1. Revenue laws are but positive rules enacted with a view to meet the financial wants of the government. They are not intended to inflict punishment on individuals, only in so far as to deter them from the violation of such laws, and do not, like laws against crime, appeal to the consciences of men for support and vindication. However necessary for revenue they may be, experience teaches that far the larger portion of the people have not in the past, and it may be reasonably inferred will not in the future, look on them in any other light than as so many threatened fines, penalties or forfeitures which they are at liberty to hazard or avoid; that non-observance is not crime *per se*, like felonies or misdemeanors under State laws, and if successful in avoiding detection, may be regarded as a stroke of good luck, of which they may boast, and often do boast of, without, as they think, compromising their business

reputation or personal integrity. If not successful they must pay the penalty, but in either case they stand acquitted of conscience; or, in other words, they do not regard the fraudulent evasion of revenue laws as a wrong, *mala in se*, but rather a hazard to be run.

For these reasons it will be seen, and experience confirms it, revenue laws must ever depend for the most part, whatever be the system adopted, for their execution on external agencies and restraints, and not on the dictates of personal duty, patriotism or conscience. The well-known fact that revenue laws are regarded so, in so great a degree, is a weak point, and a primary one, in the whole system. The inducements to smuggle, and facilities everywhere offered or existing in one form or another by which detection may be avoided, only influence and direct those who are swayed by economy or avarice, bent on securing the inordinate gains of an illicit trade.

It should be observed, in this connection, that those who violate laws for the collection of the revenue are far more likely to escape detection than those who violate police or State laws, for the reason, in the former case, no personal right is invaded, no personal violence is suffered by any one, as is the case in assault and battery, theft, perjuries, murders, arsons, &c. Individuals, therefore, cannot be expected to take a particular personal interest, even if they know of violations, in seeing the revenue laws executed, such as will work a prevention of smuggling. No one cares to make himself obnoxious to those who are engaged in smuggling, without fee or reward to stand forth a party complainant, and without which, on the part of some one, the laws, although bristling with fines, penalties and forfeitures, and imprisonment, are but so many pieces of harmless composition, in phraseology elaborately dressed, but as respects public utility, weak and impotent.

Under State laws complainants, constables, justices of the peace, prosecuting attorneys, jurors, and judges of courts of record are all conservators of the public peace, all of which introductory and ultimate means are, in fact, all wanting in the administration of revenue laws, for presentments by grand jurors for smuggling seldom or never occur. So, too, such violations are never seen by the public at large, and there are reasons to believe that but comparatively few evasions are known even by those having the best opportunities of knowing; nor are they immediately felt except by those who are engaged in the same line of trade, and not always then, though the effects are disastrous to honest and assiduous merchants, whether known or unknown.

The marked difference, therefore, between the two systems of laws is clearly seen and quite sufficient to show that the means for their execution must vary as their nature and the ends for which they were designed vary. In what may be called the motive or inherent power to secure their execution, there is no analogy between the two systems. So, too, as revenue laws are never intended for corporeal punishment, but for the collection of imposts, their terms or conditions, as well as their method of execution, are the mildest consistent with the ends which make their enactment necessary.

2. Another source of weakness is found in the fact that a large portion of our people disapprove of the whole system *ab initio*, on principles involving national polity, or they are opposed to the manner of levying imposts. Add to all the foregoing the uncertainty or difficulty of obtaining correct foreign valuations as a basis for *ad valorem* duties, (although the most equitable system,) the irregularity and frailty of the present system is made more and more apparent. To obtain the requisite evidence to overcome uncertainty, irregularity, and frauds, incipient and actual, notwithstanding all the guards thrown around it, requires a combination of efforts, a degree of skill, patience, and capacity on the part of customs officials as extraordinary as it is rare, and an amount of time, too, they are quite unable to bestow on this branch of the service. The number of invoices per day at the port of New York is on the average about 500, with corresponding entries, and when we take into the account that these are of every conceivable variety as to classification, quality, or value, it is not too much to say the greatest degree of fidelity, astuteness, and energy is insufficient to meet all the wants of the government and protect it against manifold frauds. So complicated is the present system that at every step in its execution it is beset with almost every species of opportunity and inducement for false invoices, false valuations, false classifications, false entries, irregular or false manifests; and however vigilant other agencies of the government may be, it is but the language of experience and reason to say numerous and continued frauds may be expected in some form or other. And it is self-evident the higher the rates of duty the stronger the motive or inducement to evade the laws; on the contrary, little or no efforts will be made to smuggle merchandise on which there is little or no duty imposed. For all these reasons, and others which might be given, it will not be considered an exaggeration to affirm that the difficulties of an organic character inherent in the system itself, and which are common to all *ad valorem* systems everywhere, are well nigh insurmountable under high *ad valorem* rates.

Perfection of the means necessary to enforce laws now on the statute-books has become, therefore, the indispensable duty of Congress, rather than by direct or indirect legislation removing the frail barriers against frauds now existing. It is no unfounded assumption to declare that just in proportion as preventive measures are withdrawn, in an exact ratio will fraudulent appliances be multiplied and strengthened. Their abolition in whole or in part, which has been advocated during the last two years, originated and was set in motion by those who were engaged in defrauding the government, and should be measured and charac-

terized by the nature of the motives which produced them, and should not be adopted and advocated by those who are bound by the most sacred obligations to give this great subject not a superficial but a most profound examination, and provide means for their effectiveness. The abolition in whole or in part of preventive means now at command of customs officials, would heretofore have been and is now popular with the perpetrators, designers, and abettors of fraud. They are no doubt now and will hereafter be unanimous in support of all sorts of legislation which will limit the powers vested in the officers of the revenue, and withholding inducements to activity on their part. But would the honest and assiduous merchant be better protected? Would the revenue be advantaged? Would the confidence in the ability of the government to meet its obligations be strengthened by legislation of this character? Would they not rather recommend more energy and certainty in the execution of our laws—the perfection or organization of revenue laws in such a way as to make them capable of diffusing themselves to a much greater extent, and by each successive step reproducing themselves? Though impersonal, they must be endowed with the same fruitful motives to action, be inspired with the same hopes and expectations and moving to the same ends as influence and impel the violators of the laws. This can only be accomplished by interesting in the cause of the revenue the love of gain, the fears, hopes, confidence, and moral sense of the people—even their appetites and passions; all of which, when taken together, are the only reliable directors of human action. The provisions of the laws must therefore be so framed that they may be the means by which individuals may accumulate money while they are vindicating them, as well as those who are designedly engaged in their violation. Legislation, however perfect on its face, without this inherent motive power to impel execution, will always be found in matters of revenue weak and impotent, shorn of all vigorous, practical utility. To overlook or deny these considerations, nay, indispensable requisites, would be to forego all the usual maxims of prudence and policy. It may doubtless be observed without seeming arrogance, if there be an American statesman who does not consider this a cardinal principle in laws of this character, he may safely be pronounced one who has yet to learn the rudiments of revenue laws.

It seems quite impossible that there can be two opinions on this subject. All good and considerate men will see the necessity of these requisites, and hence will be found on the side of an efficient administration thereof; and if in their judgment they are not vigorous enough to meet the exigencies of this period of high taxes and imposts, they will not fail to recommend others which will. They will not fail to see that statutes without an inherent motive power and without practicable sanctions are everywhere found, in practice, abortive, the *ignis fatuus* of weak and impracticable minds. They will all admit that matters of revenue are like all other affairs of civil government, to a very great extent under the arbitrary control of circumstances, and do not rest on logical analogies, however just or however perfect; that the great and essential questions are what measures will best secure the collection of imposts and afford the greatest protection to the mercantile interests of the country—not such as are carried on in a clandestine manner, but such as comply with the commercial regulations of the United States.

In this view, “money being the vital principle of the body politic,” the vigor of the revenue laws is not only essential to the collection of the revenue but to the permanency of the government itself, and in the view of sound and well-informed minds can never be separated. Those who do not realize the importance of this as a condition precedent are certainly either misinformed or do not weigh the evidences of existing necessities at this time of unprecedented activity and license, directed in many respects by the most ungovernable passions.

3. Before adverting to the means necessary for the protection of the revenue and lawful commerce, it should be observed that, by section 91 of the act of March 2, 1799, of all sums received as fines, penalties, or forfeitures a moiety was credited to the United States, and one-quarter was given to the informers, if any, and the remaining one-fourth was equally divided between the collector, naval officer, and surveyor, or to the collector if no naval officer and surveyor; and if there were no informer, then a moiety was given to the collector, naval officer, and surveyor, as before stated. It was thought by the renowned statesmen of that period, fresh in their reading and practical application of first principles of legislation, directed, too, in a great measure, by the intuitive and unsurpassed powers, analytical and practical, of Alexander Hamilton, in this sphere without an equal, that the inherent motive power to impel the execution of revenue laws was a matter of transcendent importance. They saw and provided for the necessity of putting the complainant and violator of laws on the same level as to monetary and other inducements, that the former as well as the latter should be made to contribute to individual advantage, and that the honest merchant who by paying imposts to the government should have a legal means within his reach to protect himself, by a vindication of the laws as against smugglers or the dealers in illicit merchandise, and thereby not only enable him to make an honest profit, but protect his capital in trade, which otherwise would be in jeopardy by the arts and devices of those who set laws at defiance. It will be seen that the act of 1799 does not provide, in any case, for the deduction of duties on merchandise that has been seized and condemned, nor from the proceeds thereof. The distributed shares, under the 91st section, were not lessened by the deduction, nor the force of the act impaired by it. A moiety was, from a wise design, given to those who should voluntarily

put the government in possession of information requisite to bring delinquents to justice. This status of legislation has, in fact, been recognized or allowed to remain on the statute-books until the act of March 2, 1867, when, under pretence of economy, and, as has been alleged by some, to take from customs officials an inducement to mercantile oppression, duties are required to be deducted when there is a forfeiture of imported merchandise of the value of \$500, or where such merchandise is released on the payment of the appraised value or of a fine or composition in money.

By sections 37 and 38 of a bill reported or prepared by a commission appointed by the Secretary of the Treasury, it was first proposed to deduct duties in all cases whatsoever, but subsequently modified so as to require the deduction of duties in all cases where the appraised value was \$1,000; and by a subsequent bill, reported by a committee of the House of Representatives, it is proposed to reduce the compensation of collectors to an amount not exceeding that now paid to the assistant treasurers. How far or to what extent the latter bill is intended to affect the distribution of fines, penalties, and forfeitures is not known at this time, nor is it necessary here to consider.

The ruling object in these several proposed changes is the saving of money to the national treasury, and is, in itself considered, respectable; it wears the marks of honest legislation, whether wise or unwise, on a full and impartial examination of the whole subject.

But will such alterations in the law, if made, be found in practice economical? Will more money be received from imposts thereunder than would be under the provisions of the act of 1799? Those who favor and those who oppose such modifications of the act of 1799 are, no doubt, striving to reach the same end. However much prejudice there may have arisen and now exists in some localities, by reason of the different means to be used, candor, if allowed to speak, will, no doubt, convince all that the difference between them is a difference only of means, and not of ends. It is, therefore, not only proper but pre-eminently necessary to examine impartially, in the light of first principles, all the various primary considerations, such as are involved—the state of society; the financial and commercial spirit of the day; the varied and multiplied inducements everywhere prevalent.

By the provisions of sections 37 and 38 of the bill prepared by the commission appointed by the Secretary of the Treasury, it appears to be conceded to be inexpedient to deduct duties where the appraised value of the merchandise is less than \$1,000, and this on the ground that no incentive will be given any order of men to give information, even if the merchandise be known to have been smuggled, nor inducement to customs officials, of any rank or order, to exercise extra official vigilance to prevent violations or evasions of the laws. The concession amounting to this, that there would not be any incentive, but that an inducement equal to one-fourth part is an affirmative requisite to the proper enforcement of laws throughout the length and breadth of the land, not in the large cities only, but everywhere, for these provisions are of universal and not of local application. Hence the motive power heretofore thought to be requisite for nine and seventy years, is still so recognized in part by the sections 37 and 38 of the proposed bill. It is difficult to see what good reasons can be assigned for limiting the incentive to amounts over \$1,000. It will readily occur to every one, if really serviceable in cases where the amounts are less, it is equally so where the amounts are more than \$1,000.

It must be apparent that the danger to the revenue in the maximum by reason of a deduction of duties, (thereby impairing the incentive,) is far greater where the appraised value is over \$1,000 than when the amount is less than that sum. If it be inexpedient in the one case, why not vastly more so in the other? Is the sum of \$1,000 the limit of the avarice or fraudulent propensities of men? Have importers, their aiders and abettors, been found to be trustworthy when their importations exceed that sum? Rather, does not experience, the least fallible of human guides, teach that in all our great commercial cities the greatest losses the revenue has sustained have been occasioned by reason of the infractions of the law in the introduction of large importations? Not small one, but large ones. Can a principle be applied with safety to foreign merchandise over that amount which prudence forbids to be applied to merchandise of a less amount? If there be a good and sufficient reason it is to be found elsewhere than in the instructive volume of revenue experience. Small importers are not the only victims of avarice or lovers of inordinate gain. So, too, an impartial investigation will not fail to show that the government needs most the inherent motive power of statutes touching importations of merchandise having the highest rates of duty, whether the amount of such importations fall short or exceed the sum of \$1,000, and for the obvious reason that where rates are highest, there exists the greatest inducement to evade the requirements of the laws. With whatever motives or purposes these modifications of the act of 1799 are advocated, a full and clear analysis will exhibit the fact that it is not so much the value of any given package of merchandise as the rate of duty imposed which constitutes the incentive to smuggle it, and if any limitation to the principle be warrantable, it should be made on a very different principle than that of an arbitrary classification of amounts of value. If made at all, it should be by declaring that duties shall be deducted where the rate imposed does not exceed, say 15 per cent., leaving no deduction where it exceeds that percentage, and this for the reason there will be little or no inducement to violate the laws where the rate of imposts falls below that rate, but where it exceeds it duties are to be deducted, for the reason there will exist greater and stronger motives to evade the laws, and

hence the encouragement to all who will aid the government in preventing evasions (if there be any limitation) should rest on this apparently self-evident proposition.

The results arising from the deduction of duties, when the appraised value is over \$500, is seen in the following cases of condemnation by the courts, under the act of March 2, 1867: *United States vs.* 11 casks gin, net proceeds, \$2,743 30; duties, \$3,008 74; duties exceeding net proceeds, \$265 24. There was an informer. It is hardly necessary to say he was disappointed, and charged bad faith on the part of officials. *United States vs.* merchandise, \$12,546 20; duties, \$3,010 90; balance, \$3,382 70; collector's share, \$281 82. In a case of the condemnation of cigars, net proceeds, \$525; duties, \$353; balance, \$142 11; informer's share, \$35 52; collector's share, \$11 84. Condemnation of laces, net proceeds, \$950; duties, \$712 36; balance, 268 37; informer's share, \$67 09; collector's share, \$22 36. Another case of condemnation of merchandise, net proceeds, \$1,024; duties, \$711 06; balance, \$227 80; informer's share, \$56 95; collector's share, \$18 98. In another case of the condemnation of 16 casks of gin, \$950; net proceeds returned, \$142 35; informer's share, \$35 58. Net proceeds in another case of merchandise, \$7,440; duties, \$3,933 90; balance, \$3,506 10; informer's share, \$876 25; collector's share, \$292 08.

Other cases might be given, showing the trivial amount distributable to customs official after duties are deducted, but the above are quite sufficient. In all cases they are looked by persons who have given information as disproportioned to the hatred, trouble and time consequent on the giving of it. But this is not all. In many cases where information is given in good faith, after the lapse of many months, and sometimes years, and after repeated inquiries have been made, informers are told that the Secretary of the Treasury has exercised the power of remission, and that they get nothing. The reply is, "It is the last time I will give information to the government."

It may, therefore, be reasonably concluded, for the foregoing reasons, after looking at this subject in the light of personal interest, and in which the practical results under the statutes present it, little or no inherent motive power exists calculated to impel execution of the laws, but rather practical weakness and frailty. From whence the conclusion is inevitable that when the greatest restraints and most active agencies are practically requisite, just then all, or nearly all, are withdrawn, notwithstanding it is generally thought to be otherwise from what appears on the face of the act itself.

For nearly a century of high tariffs and low tariffs Congress uniformly invoked external agencies and restraints to check, as far as possible, illicit commerce by calling into requisition, amongst other means, the principle of selfishness—to check inducement by inducement—avarice by avarice—energy in disregard of law by energy in its execution. Such were the ceaseless and powerful agencies invoked, but which now an unwise spirit of economy or concealed fraudulent purposes would abrogate. This may not be from any evil design on the part of any one; it may have its parentage in fidelity to government, even; but its effects will be evil, as is too clearly seen by those having the best opportunity of judging. It is not done, it is true, by direct terms, but effectually done, nevertheless. Government ought at least to keep good faith with its subjects, particularly those whom it induces to serve it. Governments to be respected must first show themselves respectable. For it makes no difference, when the rates of duty are high, whether the government says it will give no gratuities or whether it says duties shall be deducted; the result is found, in practice, to paralyze all the sources of information by which evasion of revenue laws are mostly obtained.

Attention has been called to the prevalent disposition everywhere to evade the collection of revenue; that the whole current of society has set in that direction. Let it, therefore, be asked, do the authors of these propositions hope to purify the foul current by a withdrawal of restraints? to check it by passive concurrence? to overcome the monstrous evil by ministering to its gratification? On the contrary is it not "everywhere known that the habits and passions of men grow by what they feed on; that the love of gold grows faster than the heap of acquisition?" In this view the question at issue reaches further than the successful administration of revenue laws—indeed, to the stability of all republican institutions.

Again, the principal reason, and that which is most relied on, for insisting on the deduction of duties is that the government is entitled to duties in all cases. No one disputes this; all concede it to be true. But the merit or demerit of the question at issue is something other and different. So far as any one isolated case is concerned, were it all, all would concede that duties should be deducted. But it is not to one case only; it is to be applied to a class of cases; it is to be incorporated into a system of legislation made up of, and surrounded by, frauds, necessities, and facts the most formidable. It is, therefore, a question of practicability, to be followed by uniform practical results and their consequences; one of practical results, and not one of mere right. It is really not whether the government is entitled to duties, but how is it to get duties; not a question of right, but of ability to gain what is endangered or positively withheld, and the power of a preventive system at all times ministering to the advantage of the government; though silent none the less necessary and effective. It is not theory with which we have to do; we are brought down, as a people, to the cold atmosphere of arbitrary facts; to the selection or the securing of agencies to act in behalf of the government when it cannot act for itself. Hence, too, we are compelled to estimate, not what men ought to do, but what they may be reasonably expected

to do. Will any person who may have given information stand forth a party complainant a second time, after being the sole cause of the government getting high duties and one-half of the balance? he failing to get anything, or the merest trifle, if any, and but for whose agency the government would not have got anything. Will he a third time, a fourth time, even if he be in the possession of the most unquestionable evidence and the most valuable, after subjecting himself to the malice of the violators of the law, see the government get all, when without his aid it would have lost all? It may be said such is the duty of every citizen. Is it rational to suppose because it is the duty of every one that they will perform it? He who expects it may be set down as already the victim of an excessive credulity. To expect it is, in fact, to affirm that selfishness is no longer a characteristic of the human species, and that intelligent lawgivers are no longer to regard selfishness an element of society.

A rule, therefore, which will not admit of continuous and multiplied applications should not be insisted on. One which will not in practice bear frequent repetitions is a fallacious one, and will be found, without doubt, as injurious to the revenue as it is futile. In a wide extended country teeming with commercial enterprise, increasing in volume and power, and stretching out wider and wider, the civil power should be so organized that each successive application should increase its power and effectiveness and not weaken it. It should be able to diffuse itself by a permanent and judicious arrangement of subordinate principles and institutions. Without incurring the charge of empiricism, it can be stated that if legislation for so widely extended a territory, whether relating to revenue or other affairs of the government, be not organized in such a manner it will be divested of all of its inherent and corporate vitality, and will at no distant day be seen to be a most miserable failure.

Again, there is another branch of this subject of such transcendent importance both to individuals and the government that it demands a full examination. Reference is had to the protection which the government is bound to give to honest traders, those who pay imposts; having paid duties to the government, and thereby increased the cost of their purchases, they are entitled to protection from low prices instituted and caused by those who have set revenue laws at defiance. If the government fail in this, it sacrifices the honest supporter of the government in order to shield the smuggler. How to do it is a question of ways and means, but the obligation to do it will admit of no two opinions.

If this protection be not afforded, the government may be safely pronounced remiss; and if so remiss will the capital invested in legitimate commerce be better protected or none protected? Although the agencies heretofore relied on during periods of high and low imposts, and herein contended for as indispensably necessary, may not be sufficient to meet the exigencies occasioned by present rates, but such exigencies do furnish the best of evidence adverse to an abolition of such agencies. Their inefficiency cannot furnish grounds for less stringent laws, but evidence for provisions which will give the necessary protection.

It is now openly affirmed by men of large commercial experience, and against whose commercial reputation aught cannot be said to their disadvantage, that during the two years last past they have been compelled to make purchases of houses they have strong reasons to think do not pay duties on their importations, the rates of duty being high, or go out of the business altogether; that they have been forced to this by dealers in illicit commerce who, not paying duties, undersold them if they purchased at regular importing prices.

This will be more clearly seen and felt by supposing two men (and it is not a hypothetical case) go into business, of the same kind, at the same time, and invest the same amount of capital; one pays duties on honest and correct invoices, the other makes entries of merchandise on false invoices, from 12 to 25 per cent. below the actual foreign value. The latter will make from 12 to 25 per cent. while the former makes nothing. If the undervaluation be no greater, the former will be compelled to close his business altogether or become bankrupt; but suppose the difference be still greater, then the effects of a want of protection becomes more disastrous. Hence it must clearly be seen that the honest merchants are *per force* compelled either to go out of business, become bankrupt, or cheat the government; and hence the government, by withholding such protection, actually makes smugglers of otherwise honest men, and negatively furnish the strongest incentive to smuggling. In this view undervaluation on the part of importers in the absence of protection should no longer be considered a heinous wrong, but is most evidently extenuated by the remissness of the government.

It is not too much to say on this point, already the confidence either in the ability or the disposition of the legislative and administrative departments of the government is most sadly shaken. And why should it not be? The laws of trade are quite as intelligible and quite as imperative as those which regulate other departments of human affairs. It is not, therefore, a question simply whether the government shall have duties on imported merchandise actually levied, but a much broader and far reaching one, whether the government agencies shall be found, in practice, acting for or against the interests of those who are disposed to be law-abiding men. The collection of the revenue and protection to the mercantile interests of the country are indeed convertible terms. The one necessarily implies the other. The failure of one is a failure of the other. The idea, which prevails to some extent in high places, (to a too great extent,) that undeserved toleration and leniency may be exercised in matters of imposts or monetary demands of the government; that open fraud remitted and incipient

frauds winked at without the most serious and unjust consequences, and for the purpose of avoiding charges of harshness and oppression, is a fallacy. The natural product of a diseased political sensibility is as incompatible with commercial safety as it is adverse to every reliable element of national character. Notwithstanding all this, and in striking contrast with this want of protection, are the flagrant and persistent efforts being made to defeat the authorities in the laudable work of protection, denying their right and heaping calumny without stint or limitation on the heads of those who are found on the side of the government, whether in private life or in official stations. Under the systematic and unremitting agencies of wealth and position directed to these ends, to a great extent, the whole course of society has undergone a most deplorable change; "words" even "have lost their signification;" public sentiment is so debauched that to aid the government has become a personal reproach; skilful fraud evidence only of creditable capacity; systematic perjuries "masterpieces of cunning;" honesty a want of enterprise; execution of the laws unjustifiable oppression; praiseworthy efforts to protect the revenue and honorable assiduous merchants hiring meanness, stigmatized as the work only of base spies, corrupt and venal officials, unworthy of public or private regard. So far indeed is this carried, believed, and openly countenanced by a strong but yet still growing public sentiment, that to be known as being an officer or agent of the government in the revenue service constitutes a social ban, excluding all such from social position in which they would otherwise move and in many instances adorn. In short the whole structure of society has undergone a most marked and alarming change. Avarice and license has gained an ascendancy, setting the laws at defiance, calumniating their constituted guardians, and before which the ablest, the wisest, and the purest of the land may well stand amazed and confounded, and with energy turn their attention to guarding well the foundations of all law and order.

The strength of purpose, extent of commercial transaction, and financial influence and activity bearing on this subject may be estimated by the statistics, a portion of which is hereto annexed, marked —, showing that of all the vast amount of European productions which find American markets, only about nine per cent. are imported directly by Americans, a fact which speaks its own importance.

There is still another side to this matter, the full development of which lies in the womb of the future. Without any disposition to reflect or cast unjust reflections on any order of business men, it, however, should be stated, that certain leading branches of importing business is now almost exclusively in the hands of foreign houses, or foreigners not owing allegiance to this government nor purposing ever to become citizens. What few American houses are now connected with such branches of business pay a commission to foreign houses to purchase for them abroad, or order for them. What are all the reasons or incentives to this it may not be easy or necessary to state. The fact is, however, some of the leading features are, European producers or manufacturers send out or they adopt a foreign house already doing business in this country, which they style their agent; then adapting their productions to what they term "the American demand or trade," ship, under color of consignments, such products to their (so-called) agent, invoicing such imported merchandise at or about the cost of manufacturing, claiming that such articles have no value in the principal cities of the country where they are produced. This may be believed by some and appear plausible to others; but let an American go to Europe and apply as a purchaser for such identical manufactures, and he is unable to buy a dollar's worth at the prices set forth in the invoices presented by such agencies in this country for entry. The result is, as before stated, such branches of the importing business is nearly or quite all in the hands of foreign houses. And the tendency is growing stronger every year, all in this direction, touching all other branches of the importing business. By reason of the opportunities afforded by the system of ad valorem duties, Europeans by finesse and by fraud are controlling the spirit and substance of American commerce on its own soil, and driving Americans from their own markets. How much further this will be allowed to prevail is to be determined by our national legislation.

Protection, in each and every of these respects, is a requisite which should not be postponed. The demand for it is most natural. Success or adversity is necessarily its concomitant. It may hence be not out of place to observe that, justice and justice only is the centre of personal national safety. She can, in the commercial world, as well as elsewhere, if invoked, establish order and security to all alike.

Hence combined individual selfishness, social predilections and power have not hitherto, as we have seen, been silent nor inactive. And as the American people and interests are now situated, it is idle to suppose that they are sleeping now. However much selfish pretensions, petulant invectives, and virulent hate may have done, or fraudulent purposes may conspire to do hereafter under false names and false pretences, the prominent fact will not go unobserved, that the cause of revenue and protection to the mercantile interests of the country is the cause of national safety, without which public and private prosperity in this sphere may be hoped for, but cannot be rationally expected.

But again, the provision for deducting duties in the cases before designated will defeat the object for which its projectors design it. It will always be in the power of those having a knowledge of infractions to make such knowledge known of act upon it or not. They may, however, defer until they know that the merchandise shall have passed from the pos-

session of the guilty parties, and beyond the reach of the government, in which the only remedy will be an action *in personam* for the value, and from the sum received no duties will be deducted.

If the imported merchandise seized amounts to \$500, duties will be deducted. It will therefore always be for the interest of persons giving information to wait till the merchandise has disappeared before complaint be made or official action is had. This is easily done. All that is required to effect it is to defer action. A little delay on their part defeats the deduction of duties. But this is not all. If the parties smuggling are permanently located, have a place of business, and are pecuniarily responsible, while the government would not have security in the first instance, they would most likely in the end; but if itinerant or irresponsible, the government would not have security, as would be the case if the *res* were seized, and would most likely fail to collect the amount of judgment recovered. A moment's reflection will show how much better and safer it will be so to frame the statute that not only the part going to informers and customs officials should not be subject to the deduction of duties, but by such non-deduction induce the most speedy action for the security of the government. This, too, shows the exceeding impolicy of the attempt recently promulgated of making punitive laws remunerative, as unwise as it would be humiliating to national character.

It having been shown, by reason the most plain and conclusive, that an inherent motive power is most indispensable, and which is confirmed by the large and numerous frauds which have been experienced, it is only the part of consistency and honest dealing on the part of those who advocate the deducting of duties to name a substitute for the incentive heretofore relied on for the execution or impelling power of revenue statutes; for to do away with the motive power heretofore known to be of the greatest utility, without furnishing or proposing some other argues, nothing less than culpable ignorance or fraudulent complicity with those who evade or resist the laws. Either conclusion would be as disagreeable as the effect of a wrong course would be disastrous, for to conclude for any reason that our national legislators are indifferent to the welfare of the revenue or the wants of legitimate commerce ought to be considered entirely inadmissible.

It is charged that distribution under the act of 1799 is liable to great abuses, that merchandise liable to condemnation has been released to claimants on the payment of amounts less than the duties alone, and this by the collusion of customs officials, United States district attorneys, and counsel for claimants. If there have been instances of this kind, a remedy should be provided, but in such a way so as not to take from the revenue system the strength requisite—the vital principles of its power. The remedy should not be allowed to take away the keystone of the arch, without which it will be found falling about our heads, more fatal to the government than to smugglers—indeed, fatal only to the government. It would be quite easy to provide that in all proceedings *in rem*, it shall be unlawful for United States district attorneys, collectors, and other officers to stipulate or consent to release any goods, wares, or merchandise on condition that the party claimant confess judgment in a less sum than the appraised value thereof so subject to forfeiture, without the approval of the Secretary of the Treasury, in writing, which approval shall be placed on file, and be a part of the records of the courts where judgment by confession shall be entered; and in case judgment by confession shall be entered without such approval, the goods, wares, and merchandise so released shall be liable to seizure and forfeiture the same as if no proceedings had been had in the premises. If this should not be quite sufficient, others might be easily devised.

Again, it is said that in the most populous revenue districts the compensation of collectors, naval officers, and surveyors far exceeds any just limit. In a few districts the amount received justifies this declaration; but the number is less than a dozen. The amount, however, received in these instances is not so in consequence of considerations such as are involved in the fixing of salaries given to other classes of government officials. It will be admitted, if candor shall prevail, that such compensations arise from the necessities of the government over and above such as are connected with the discharge of duties appertaining to other official stations of a totally different nature. They are the results of the indispensable motive power necessary to impel the execution of the statutes in overcoming frauds, incipient and actual, and without which there would not, for the numerous reasons heretofore specified, be vigor to enforce them. It is the gist of the preventive principle which experience has taught to be wise, and which is, in fact, the most effective and important for the welfare of the people. If large sums are received, it arises from the extent and volume of commerce on the one hand, and the prevalent disposition to evade the laws on the other, and it cannot be said in any just sense that the government is a loser by it, but it can be truthfully said the government is a gainer by it, however virulent may be the charges against customs officials. The government cannot be said to be a loser in that it never had; and when, too, it gets one-half of what is recovered, and will otherwise be successfully smuggled in by far the greater number of instances.

The instances, be it said to the credit of American revenue officers, when customs officials have acted corruptly, when all the facts are known, are not frequent. They have seldom occurred—so unfrequent, indeed, that, in a legislative point of view, they are to be regarded only as particular defects rather than as radical defects in the system itself—from hitherto unforeseen defects rather than having their origin in permanent causes, and of constant and

continuous operation. Nothing leads to greater mistakes or is more to be feared than errors of this kind. Admitting the instances of collusion and complicity to be as marked and flagrant as stated and insisted on in some quarters, they should not be grounds for wholesale and sweeping suspicions, nor should such suspicions become the sole basis of legislation. If so, it would not be reasonable nor even safe to stop with customs officials. It would be quite as rational to charge those who are earnestly at work to overthrow the present preventive system with complicity with smugglers, that they are in the pay of smugglers. Such an inference would not be far-fetched, but pertinent in view of all the facts. Intelligent lawgivers will, however, dismiss the whole system of expedients dictated only by suspicions as unwise and uncalled for, and which system in a broad and politic view of this whole subject demands a higher order of legislation. But there is another side to this branch of the subject—one, too, which no competent legislator will fail to regard. Reference is had, first, to the nature of the duties required in the collection of the revenue in the most populous districts; second, the order or measure of abilities requisite thereto; and third, what the reasonable returns of such abilities or attainments may be estimated at in other departments of business life.

But there is still another side to this subject, one which no competent legislator will be likely to disregard, for it is no part of American statesmanship to run delirious after an idea, but rather to measure its practical fitness; it has more regard for utility than theory.

The opinions entertained in some quarters that salaries of collectors, naval officers, and surveyors should be rated by considering only the time required and the price of labor in the market, or rather the willingness of men to serve the government without regard to attainments and personal fitness on the one hand, and the nature, extent, and consequences of duties to be performed or neglected on the other, it is thought will not bear an intelligent examination. If adopted and applied to the revenue service it will hardly fail of being in more respects than one the prolific parent of national profligacy or legislative misdirection, when the nature of the duties are pleasing rather than distasteful, ministerial rather than inquisitive, popular rather than odious, trivial rather than laborious, increasing the political and social status of incumbents rather than lessening it; in all such instances it is conceded salaries may be rated to a great extent with safety. But when the duties which are to be performed are the opposites of all these, it must follow other important considerations must enter into and should be allowed to provide for the necessities of the government.

The duties of customs officials are evidently the latter of those above enumerated in almost if not quite every respect. Hence men of sufficient qualifications to perform the duties with advantage to the government will be successful in other departments of life, which hold forth greater promises of reward than \$4,000 or \$6,000 per year. They will not assume laborious and odious duties for a like amount of compensation, connected as they are with personal malice and hostility, and oftentimes without cause, with the general impression of bad faith, speculation, and even oppression, however honest or trustworthy they may be. As a general proposition those who are best qualified for such offices enter upon the duties only from motives of self-interest or personal advantage, offered and secured by the terms of the law. They do not do so from the love of official position or patriotism, nor for a limited salary assume voluntarily labors of such a gigantic character as such duties impose in the largest revenue districts. In fact it may be safely stated nothing but a strong appeal to individual love of gain on the part of the government will for any length of time secure the government the advantages arising from the services of qualified appointees, endowed by nature with force of character requisite to such duties.

Even where the laws are most clearly evaded will collectors institute suits against a man or firm of commanding influence, who alone or with the aid of his friends shall be able to displace him as readily as against some person or persons without influence. Will he do so in a critical case, or where there is likely to be strong opposition, as readily without a personal interest as with? Will competent men everywhere be found of so little regard to their own interests or reputation, or of so self-sacrificing a turn of mind, as to disregard all personal considerations—care nothing about the effects of administrative acts where wealth and influence are brought against him? Or, rather, will not there be stronger reasons to expect that, without a personal interest, laws in many cases will be a dead letter, and where, too, there are strong reasons for their execution arising from the extent and flagrancy of the frauds perpetrated?

The results may be summed up as follows: competent men, if receiving but a limited salary without a personal interest in the seizures made and suits instituted, will either disregard the interests of the revenue by failing to make seizures and institute suits when the public interest dictates for fear of losing their position, or fail to do so because there is no motive to move them thereto; or they will neglect to look after the interests of the revenue, preferring to give their time to business outside the custom-houses which promises better. In either case the revenue is made to suffer from the very nature of such a system.

It has already passed to a political maxim, "that a power over a man's subsistence amounts to a power over his will." So, too, men take but "a slender interest in what is short-lived and is of but little advantage;" and it is so particularly where "there is little or no inducement for them to expose themselves on account of it to any considerable inconvenience or hazard," which always, sooner or later, when wealth, political and social, are opposed and have an opportunity to display themselves.

If no personal interest be given officials the greater will be the inducement to commit, directly or indirectly, corrupt practices and speculations, "for experience, the least fallible of human guides," shows how easy it is for even many otherwise good men to persuade themselves that, as they bear the burdens of office, they are entitled to a compensation commensurate with the labors performed and the hazards run, even beyond the stipulated amount given by law, and that if they have not the terms of the law on their side they have at least a moral right to more than it gives. In public life it should be borne in mind that personal interest has as much to do in keeping men honest as the restraints of the law.

To avoid the inducements of a corrupt character their legal rights and personal independency should be in proportion to their labors and risks and responsibilities from whatsoever source they may come; their opportunities to accumulate money in accordance with the law sufficiently strong to deter them from doing anything which would involve its withdrawal. They should not be placed for the good of the government in a position to have their fortitude weakened by interested parties "operating on their fears nor corrupting their integrity by appeals to their necessities or their avarice."

It is believed if a system of the kind proposed be adopted, it will furnish inherent causes which will not fail to defeat itself. It may safely be pronounced in advance to be the offspring of incompetency and ignorance. It is only necessary to add that, in balancing the subordinate agencies and institutions of great nations, the element of self-interest often is made to perform quite as important a part as economy or disinterestedness.

The uniform experience of political communities have taught, when they are unable to help themselves, it is always wise to call for the assistance of individuals, moneyed though they be, by personal interests.

5. The following reasons, supported by facts of no ordinary significance, show the necessity for a modification of several provisions now on the statute-books, and the enactment of other provisions for the protection of the revenue, and the rights of parties, and also to prevent our revenue system from becoming the victim of *ex parte* investigation, irresponsible agencies, favoritism, and every evil influence, which must in time follow:

1. The act of March 3, 1863, section first, and other sections and acts bearing on the subject of undervaluation, is believed to be greatly deficient, inasmuch as under the ruling of the courts it requires stronger proofs, and such as are far more difficult to obtain, for the government to prove undervaluation in an action against a consignor than against an actual purchaser. It is extremely difficult for the government to show a guilty knowledge on the part of a consignee, who alleges he enters his goods as per invoice forwarded by his principle, and to make him liable who sells for a commission of five per centum, and remits the balance of the proceeds of sales.

In consequence of this distinction or the greater latitude to false and fraudulent appliances under the forms of consignment, and the success which has attended practices of this character, a very large proportion of European importations have been admitted to entry at a very low foreign valuation, and the amount is believed to be increasing in consequence.

The total amount of such consignments of woollen goods as compared with sales, shipped to America from the following consulates, to wit, Bremen, Cologne, Aix la Chapelle, Brunn, for the months of July, August and September, 1867, were as follows:

1867.	Consignment.	Sales, currency thalers, 69 cts. American money.
July.....	75, 252, 462	1, 641, 403
August.....	45, 827, 990	890, 555
September.....	25, 094, 028	1, 245, 059

Currency thalers, 69 cents American money.

The above figures were taken from the records of the consulates above named by one of the most intelligent and trustworthy agents of the Treasury Department, and in which the most implicit confidence can be placed. The amount of sales as compared with the consignments of goods shipped to America is hardly worthy of notice, only as it reveals a practice and a motive. From evidence obtained by the same agent who has been in Europe over two years, he is of the opinion that the average undervaluation of woollen goods and wines and drugs combined will not fall below 35 per centum. He is also of the opinion that the ratio or difference between sales and consignments above set forth will hold good in all the principal consulates of Europe, and also the rate of undervaluation.

Silk ribbons shipped from Lyons, total amount, first six months of 1866, francs...	25, 695, 835
Consigned.....	19, 271, 876
Sold.....	6, 423, 959
	<u>25, 695, 835</u>

Undervaluation estimated at 15 per centum.

Silk ribbons shipped from Zurich, first six months of 1866.....	10,751,005
Consigned.....	9,138,354
Sold.....	1,612,651
	<u>10,751,005</u>

Undervaluation 18 per centum.

Silk ribbons shipped from Basle, first six months of 1866, total in francs.....	7,323,582
Consigned.....	6,884,372
Sold.....	439,210
	<u>7,323,582</u>

Undervaluation 18 per centum.

It will be seen that the proportion, in this article of merchandise, between consignments and actual sales holds good.

It is only necessary to add that the wine and champagne trade, as well as the above kinds of merchandise, are entirely in the hands of the manufacturers, and the system of undervaluation on consigned goods runs through the entire line of trades, and there is no doubt extends to others in the same ratio. They are either invoiced at or a small percentage above the manufacturers' prices, instead of the wholesale price, and are kept in the hands of foreigners to the exclusion of the American merchants by such system of undervaluation, besides defrauding the government of a large portion of its revenue.

These figures need little comment. They speak their own importance, point out the evil and suggest the remedy. Purchaser and consignee should be placed on the same level by our laws. Our laws should be so clear and specific on this subject that no foreign consignor could by any appliances whatsoever make entry of his goods at a less foreign value than an American purchaser; that no indirection shall avail him, no means be at his command by which he, who has no permanent interest in the welfare of our institutions, shall be able to drive Americans from their own markets and at the expense of the revenue of millions annually, as is now unfortunately the case.

Of the 157,000 (or thereabouts) invoices, of which entry is annually made at the port of New York, there is good reason to believe from the above figures and information from other sources that four out of every five set forth a foreign value less than the actual wholesale price required by our laws, or in other words, 400 of every 500 daily entered at New York are fraudulent.

It will be said no doubt that they are for the most part passed by the appraiser nevertheless, from which it is true an inference may be justly drawn that the appraiser is derelict of duty. No design of this kind is however intended directly or indirectly, even by implication. The appraiser no doubt for the most part arrives at his conclusions by comparing the invoices of different importing houses. He knows little or nothing of foreign valuation from his own personal knowledge of European wholesale prices, and as the figures and investigation made in Europe show that there is in all, or nearly all, the principal consulates an almost uniform system of undervaluations, it is not at all to be wondered at that the foreign values arrived at at New York by the appraisers by comparison and other means should disagree, with wholesale prices obtained in Europe by personal observations and statistics, and particularly so when less than 15 per cent. of all the importations are by American purchasers and 85 per cent. under the form of consignments and by foreigners. Such being the case comparison of invoices of one importing house with another is only another way of establishing undervaluation as foreign values at the expense of the revenue.

3. For the foregoing reasons, commencing with the inherent weakness of revenue laws in themselves considered, the necessity for the giving of gratuities to the third persons as an inducement to give government officials information and customs officials for extra vigilance, the systematic frauds perpetrated under cover of consignments, the unreasonable delays in the courts of the trial of causes in many cases, it is not to be wondered at that the Secretary of the Treasury has found it necessary to employ a large corps of special treasury agents to report on cases at all stages of their investigation. Nor is it at all strange that under the various statutes giving specific powers in certain cases taken in connection with the general and sweeping power "to superintend the collection of the revenue," he should assume to act through agencies appointed by himself, which sound policy dictates should be wholly left to the judicial tribunals of the country when the amount gives the courts jurisdiction.

The policy which obtained until quite recently of confining the duties of such agents (limited in number compared to those now employed) to ferreting out and detecting frauds, was unobjectionable and judicious, but the extension of their assumed jurisdiction of erecting all over the country where interest, caprice or malice may dictate self-constituted examinations, making *ex parte* reports based on the rumors or statements of interested parties not confronted by opposing interests, is a system fraught with such numerous and monstrous consequences that no enlightened statesman can approve. As before observed, under the

circumstances this may be justifiable on the part of the Secretary, but as a system it cannot be too severely reprobated. The means at the command of customs officers, their own experience and competency, and the efficiency of the courts ought to remove at the earliest day possible a system antagonistical to the genius and laws of the country, and subject to every vice.

Again if the system were in itself admissible the experience had under it, the character of men employed as such for the most part, the means used to secure such appointments, the rapid changes which take place, preclude the idea of competency on the part of such agencies and safety to those whose interests are involved, assuming that in all cases the agents are honest and directed by a laudable purpose to serve the government without doing injury to any one.

But when it is known that most of these agencies are sought for political or purely personal ends, that many are appointed without the requisite education, without any experience in revenue matters, and without sound characters when best known, the system becomes too dark and repulsive for comment.

But waiving considerations of a personal character and looking at the system so inaugurated as a system in vogue, the most deplorable feature is that in far the larger number of cases of any magnitude reported to district attorneys for prosecution in the courts at some time during some stage of the proceedings, the same is subjected to the considerations and reports of treasury agents, and although the laws do not by any means place the Secretary above the courts, or independent of the courts, except to a limited extent, nor were they designed to do so, yet practically the course now pursued by the Treasury Department has reached that end. So serious is this matter that an instance has occurred that after the collector had reported large frauds to the district attorney and had made full report of his acts and doings to the Treasury Department, the party who was used in the commission of the fraud, the one who actually committed the acts, procured from the department the appointment of a treasury agent and received instructions to investigate such and other frauds. This might have happened or have been the result of a well practiced imposition. It would be charitable to look at it in this light, but the facts are after his history and agency in the frauds was made known to the department, he was not only not dismissed but employed in other districts by the department. In other cases evidence points to the conclusion that parties who have committed large frauds on the revenue, fearing detection, have made use of influences at their command to secure the appointment of one of their own number as an agent of the treasury through whose offices and manipulations when the same were discovered they were able to compromise by the payment of a small sum or escape altogether.

Enough however has been stated to show that the effect of the system as it now obtains would not, if we had a properly organized system, be superintending the collection of the revenue, but an interference with the collection of the revenue.

And perhaps the worst of all is that the labors and ends reached by such agencies paralyzes and interrupts that silent invisible power of the law, the substantial growth of time and precedent, which, while it protects the rights of all parties, never fails to give the strongest support which legislation can receive, a power able to defend all orders of men "from the law and even the lawgiver from himself," arising from the conviction that the law is a living entity and not a mere form, which interruption, though in behalf of claimants, by the force of such precedents will not fail of being even to them the fruitful cause of other irregularities and frauds. This spirit is inherent in the system itself.

If the course of judicial proceedings shall become subject to such informal *ex parte* action as appears to be coming into general practice, all protection by the courts will fail; and not only this, but it is difficult to see, on the one hand, the practical boundary of the power of remission, and on the other what degree of protection and stability under it legislation will be able to afford the revenue; for "the precedent of to-day becomes the law of to-morrow."

4. The practical effect of the act of March 2, 1867, has worked badly in many respects for the interests of the revenue. After the experience of 14 months it is believed that the act should be greatly modified; in fact that the interests of the government require the repeal of the act, with the exception of such provisions as gives to the officer making the seizure one-fourth of the fine, penalty, or forfeiture, in case there be no informer; and section 2, which provides for the application and issue of warrants by the United States district judge for the seizure of books and papers.

The amount of clerical duties imposed in consequence of providing for the distribution of fines, penalties, and forfeitures, by the Secretary of the Treasury, instead of by collectors, as previous to the passage of this act, both by the collectors and the department, appears to be wholly unnecessary, and is attended with every species of delay. Although the act was intended to benefit the subordinate officers making seizures, and also informers, it is not too much to say that the delay in the adjustment of such items has produced so much complaint that the cause of it is extremely prejudicial to the service, and embarrassing to collectors, naval officers, and surveyors, and that so much of the act should be repealed.

It has been already stated that proofs of no ordinary significance pointed to the conclusion that from 85 to 90 per cent of all importations from the continent of Europe were imported under the form of consignments—that their average undervaluation is about 35 per cent. It has also been stated, a fact of the greatest importance, that the appraisers at

the several ports of entry do not arrive at the foreign values which becomes the basis for duties so much from a personal knowledge of the wholesale market value of such importations in the principal cities in the countries from which the same are imported as they do by comparing one invoice with another—the invoices of an importer not known to them with those known of acknowledged commercial reputation. This they are, no doubt, compelled to do for want of a more satisfactory and practical method; for it is not to be supposed that appraisers at the port of New York, or elsewhere, are to be found who are personally conversant with the wholesale market value of all importations they are called on to appraise, in the countries from whence they are imported.

As before stated, only about 9 per cent. are actually imported under the form of purchases, that 91 is under the form of consignments, and that the undervaluation is equal to about 35 per cent. it follows that the system, so general, of comparing one invoice of consigned goods with another, is, in fact, to a very great extent, but a method of fixing by appraisement a false foreign valuation as a basis for estimating duties. It has been frequently said by the Hon. Hugh McCulloch, Secretary of the Treasury, and confirmed by others, that the government did not collect more than 50 per cent. of the duties it was entitled to under the law. Many have been unwilling to give credit to this statement. If the figures before given and confirmed in different ways be taken as proof, it can easily be seen how the larger part of such failure to get legal duties occurs, independent of other causes.

This is not intended to cast any reflection on appraisers, but to show, while the law devolves on them an important duty and high official trust, it has not by any systematic method provided them with the means necessary to perform such duties intelligently or satisfactorily to themselves even. The true test of a statute on this subject is to furnish the requisite information to appraisers. Its aptitude to perform this function can only be seen by practical results. The defects of the present statutes is seen from the fact that as there are collected from \$120,000,000 to \$130,000,000 at the port of New York per annum, there is a loss to the revenue of from at least \$30,000,000 to 40,000,000 every year. This state of things should be obviated. Demanding the attention of the law-making power it should be remedied. Instead of Congress giving so much attention to matters of minor details and the bestowal of patronage, as has been the case in some instances, this maelstrom of frauds, false and fraudulent practices and appliances, and persistent mercantile assumptions, should be rendered impossible by more perfect and practical legislation. Various methods might be adopted to this end. The following is suggested for consideration as a substitute for those provisions, or as additional to the provision relative to the powers and duties now devolving on general appraisers, appraisers, and assistant appraisers:

1. At the time of making oath as to the true value by the owner or consignee before a consul, full samples shall be lodged or filed with such consul showing the contents of each package duly labeled, with all the necessary particulars.

2. That there shall be established three commercial agencies, or three consuls to be named to perform this duty, one in Great Britain, one in France, and one in Germany, under the supervision of a capable man with commercial experience, with authority to employ a staff of experts in various branches of all kinds of merchandise.

3. That consuls shall transmit abstract weekly reports, accompanied by samples filed, to the designated agencies, and also transmit a weekly report of the market price of all articles of merchandise susceptible of being quoted in commercial price-current.

4. That such commercial agents shall systematize such consular reports, and classify the samples of the goods so received by them, and weekly transmit them to the collector of the port of New York, for his guidance and information, and that of the appraiser; and also a duplicate copy of such reports to the Secretary of the Treasury.

The adoption of a plan of this character would enable the several commercial agencies to report weekly the true value of all kinds of merchandise, and quote understandingly the goods appraised in this country. They would, too, be enabled, from having all the samples of goods shipped, to at once detect any undervaluation, and could report, at any time afterwards, the specific facts at once to the collector or Secretary of the Treasury, when required. In case of any question in regard to the value of any kind of merchandise in this country, by forwarding the same with samples, or otherwise, to the commercial agency of the country from which the goods were imported, the matter could, with such means at command of the agent, be determined at once, and thereby prevent many delays here, and no doubt be the means of avoiding much litigation in the federal courts.

It need only be added, that by the adoption of this plan the government officials will have full statistical information in regard to the value of all kinds of foreign goods, with little or no additional expense, and which, it is believed, would soon be found of indispensable importance in all matters of revenue. It is the system which would be adopted by an intelligent private firm were the same necessities to exist for acquiring the same information, which fact, once admitted, is an unanswerable argument in favor of its adoption by the government.

In conclusion, all who shall take the trouble to look over this whole subject, in all of its parts, will not fail to see how much must ever depend on the proper execution of the minute details of which it is composed; that however perfect the code may be made by the repeal of provisions now existing and the enactment of others, the final success of the revenue code

must depend on the ability with which its several provisions are executed. The history of states and nations everywhere discloses the great fact that not more than one-half, nor even that much, is accomplished when a code or organic act is adopted. "The administration of a system of polity is the larger part of its establishment." Arrangement and perfection of details can only secure success, and this can only come of industry, exactness, order, time, and experience; and these again need not be looked for where personal inducements are wanting. Nor is there anything in the nature of the public service which can or should overcome a rational demand for permanent and well-paid labor. Whoever demands it or expects it, is unconsciously or inadvertently the advocate or indorser of the parent of irregularity, incompetency, and license, which everywhere are the ministers of political vice. No part of the public service is made up of such an infinite number of details, and each so intimately attended with losses, and on which so vast an amount in money is made to depend, as the collection of *ad valorem* duties for a great nation. Each successive step should be performed with accuracy and despatch, and without which, no matter how perfect the legislation, or who may be appointed collectors, the system will, to a greater or less extent, prove a failure. On the other hand, if each part in detail be duly attended to, the concurrence of parts properly executed strengthen each other, different divisions and departments furnish each their *quantum* in the organism, and thus perfection of the whole arises by degrees, like the several orders of a Palladian palace, crowned with success, giving a permanent revenue to the government, and protection to its law-abiding subjects.

To this end, therefore, the system of appointing proper men for the execution of our revenue laws is of the most primary and vital importance. So much so, that it is not out of the way to say, that unless reformation begin here, it is less than useless to hope for a better administration of our revenue laws, however many other changes may be proposed.

However enamoured the advocates of the present system of appointments and tenure of office may be, it is confidently asserted that both rest on a false and mistaken basis: that the highest considerations demand that ascertained competency should be made requisite to every appointment under our revenue code, and when appointees are once found to be qualified by education and habits, they should hold their positions during good behavior, and that promotion should be made from the number found to be competent and deserving. Rapid succession in appointments, even when qualified, is inconsistent with every idea of certainty, regularity, and a high order of ultimate success; nor is there on the part of appointees that stimulus to excel when appointed, or to exhibit by their conduct a high order of uprightness. While, on the other hand, feeling they hold their positions by a feeble tenure, and at best cannot hold it long, there is always an inducement to make the most out of it possible, so they escape the penalties of the law. The practical extent of these observations is difficult of measurement in matters of revenue. Those most familiar with the collection of the revenue, both customs and internal, attach the most importance to them; for it has been well said, "it is a general principle of human nature that a man will be interested in whatever he possesses in proportion to the firmness or precariousness of the tenure by which he holds it; will be less attached to what he holds by a momentary or uncertain title, than to that he enjoys by a title durable or certain, and of course will be willing to risk more for the sake of the one than of the other. The remark is not less applicable to a political privilege or honor or trust, than to any article of ordinary property." It is as applicable to subordinates as to those holding the most exalted stations. It is worthy of remark, if time and training be essential requisites in the army, the navy, and the judiciary, it is believed to be hardly less so in the revenue service. If money be the vital principle of the body politic, then, too, it is not too much to say, to some extent, the permanency and efficiency of the army, the navy, and the judiciary are dependent on the successful administration of the revenue system of the country. For when it shall be made to appear, if ever, by the architects of political indifference and fraud, that our system for the collection of the revenue is inadequate, followed as it soon would be by a want of confidence, then will commence the dark catalogue of national evils whose consequences no friend of the government can estimate, nor their end foresee.

APPENDIX D.

PRESIDENT WASHINGTON ON APPOINTMENTS TO THE CIVIL SERVICE.

Letter to a naturalized citizen applying for an office :

Three things ought, in my opinion, principally to be regarded, namely, the fitness of character to fill office, the comparative claims from the former merits and sufferings in service of the different candidates, and the distribution of appointments in as equal a proportion as might be to persons belonging to the different States in the Union.

Letter to Mary Wooster, widow of General Wooster. He begs to be relieved from the personal attendance of candidates for office, and adds :

All that I require is (of candidates) the name and such testimonies with respect to abilities, integrity, and fitness as it may be in the power of the several applicants to produce. Beyond this nothing, with me, is necessary or will be of any avail to them in my decision.

Letter to David Stuart, New York, July 26, 1789 :

Nothing would give me greater pleasure than to serve any of the descendants of General Nelson, of whose merits when living no man could entertain a higher opinion than I did. At the same time I must confess there are few persons of whom I have no personal knowledge or good information that I would take into my family, when many qualifications are necessary to fit them for the duty of it. * * * Most clerkships will, I presume, either by law or custom, be left to the appointment of their principals in office. Little expectation, therefore, could Mr. Nelson, a stranger, have from this source. This latter consideration, added to the desire I feel of serving the son of my old friend and acquaintance, has induced me at all hazards to offer Mr. Thomas Nelson, his son, a place in my family.

Letter to Bushrod Washington, New York, July 27, 1789 :

You cannot doubt my wishes to see you appointed to any office of honor or emolument in the new government to the duties of which you are competent ; but however deserving you may be of the one you have suggested, your standing at the bar will not justify my nomination of you as attorney to the federal district court in preference to some of the oldest and most esteemed general court lawyers in your own State who are desirous of this appointment.

Letter to Joseph Jones, New York, November 30, 1789 :

In every nomination to office I have endeavored, as far as my own knowledge extends, to make fitness of character my primary object. If with this the peculiar necessities of the applicant could be combined, it has been with me an additional inducement to the appointment. By these principles, in a proper degree, have I been influenced in the case of Mr. Griffin, who is not only out of office and in want of the emolument of one, but has been deprived of the former by my means, owing to an opinion which prevailed here at the time among our countrymen that his accepting the temporary appointment of commissioner to treat with the southern Indians would not bring him under the disqualifying act of Virginia ; by which, however, it seems he has lost his station in the council of that State, and is now entirely out of employment. This circumstance, added to the knowledge of his having been a regular student of law, having filled an important office in the Union in the line of it, and being besides a man of competent abilities and of pure character, weighed with me in the choice.

Letter to William Fitzhugh, New York, December 24, 1789 :

Mr. Johnson has, as you supposed, declined the appointment of judge to the district of Maryland, and I have lately appointed Mr. Vaca to fill that office. Mr. Thomas, whom you recommend for that place, undoubtedly possesses all those qualifications which you have ascribed to him, and so far as my own knowledge of that gentleman extends he is justly entitled to the reputation which he sustains. But in appointing persons to office, and more especially in the judicial department, my views have been much guided to those characters who have been conspicuous in their country, not only from an impression of their services, but upon a consideration that they have been tried, and that a wider confidence would be placed in them by the public than in others, perhaps of equal merit, who had never been proved.

Letter to John Armstrong, Philadelphia, February 6, 1791 :

In a word, to a man who has no ends to serve and no friends to provide for, nomination to office is the most irksome part of the executive trust.

Letter to Monroe in reply to his letter opposing Hamilton's nomination as minister to England, Philadelphia, April 9, 1796 :

In reply to your letter of yesterday, I can assure you with the utmost truth that I have no other object in nominating men to offices than to fill them with such characters as, in my judgment, or, when they are unknown to me, from such information as I can obtain from others, are best qualified to answer the purposes of their appointment. * * * But as much will depend, among other things, upon the abilities of the person sent and his knowledge of the affairs of this country, &c., &c., &c.

To Timothy Pickering, Secretary of War, (private,) Mount Vernon, September 27, 1795 :

I shall not, while I have the honor to administer the government, bring a man into any office of consequence knowingly whose political tenets are adverse to the measures which the general government are pursuing ; for this, in my opinion, would be a sort of political

suicide. That it would embarrass its movements is most certain. But of two men equally well affected to the true interests of their country, of equal abilities, and equally disposed to lend their support, it is the part of prudence to give the preference to him against whom the least clamor can be excited.

Letter to Edward Carrington, (private and confidential,) Mount Vernon, October 9, 1795 :

In the appointments to the general offices of the government, my aim has been to combine geographical situation, and sometimes other considerations, with abilities and fitness of known characters.

ADEQUATE PAY TO SECURE COMPETENT OFFICERS.

Washington's speech to both houses of Congress, December 7, 1796 :

The compensation to the officers of the United States in various instances, and in none more than in respect to the most important stations, appears to call for legislative revision. The consequences of a defective provision are of serious import to the government. If private wealth is to supply the defect of public contribution, it will greatly contract the sphere within which the selection of characters for office is to be made, and will proportionately diminish the probability of a choice of men able as well as upright. Besides that, it would be repugnant to the vital principles of our government, virtually to exclude from public trusts talents and virtue, unless accompanied by wealth.

If public servants, in the exercise of their official duties, are found incompetent or pursuing wrong courses, discontinue them. If they are guilty of malpractices in office, let them be more exemplarily punished.

In this letter he declares himself, however, in favor of removal for electioneering activity, or open and industrious opposition to the principles of the government, legislative or executive, by which the officer has been appointed :

Letter to John Page, July 17, 1807 :

In appointments to public offices of mere profit, I have ever considered faithful service in either our first or second revolution as giving preference of claim. * * *

PRESIDENT JEFFERSON.

Jefferson refused all offices to relatives. See Jefferson's letter to J. Garland Jefferson, January 25, 1810, and other letters.

Letter to Madison, November 29, 1820 :

This is the sample of the effects we may expect from the late mischievous law vacating every four years nearly all the executive officers of the government. It saps the constitutional and salutary functions of the President, and introduces a principle of intrigue and corruption which will soon leaven the mass, not only of senators, but of citizens. It is more baneful than the attempt which failed in the beginning of the government to make all officers irremovable but with the consent of the Senate. This places every four years all appointments under their power, and obliges them to act on every one nomination. It will keep in constant excitement all the hungry cormorants for office, render them, as well as those in place, sycophants to their senators, engage them in eternal intrigue to put out one and put in another, in cabals to scrap work ; and make of them what all executive directories become, mere sinks of corruption and faction. This must have been one of the midnight signatures of the President, when he had not time to consider or even to read the law, and the more fatal as being irrepealable, but with the consent of the Senate, which will never be obtained.

Letter to Monroe, March 7, 1801 :

Deprivations of office, if made on ground of political principles alone, would revolt our new converts and give a body to leaders who now stand alone. Some, I know, must be made. They must be as far as possible done gradually, and bottomed on some malversation or inherent disqualification.

Letter to William B. Giles, March 23, 1801 :

Good men to whom there is no objection but a difference of political principle, practiced on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals.

Letter to Elbridge Gerry, March 29, 1801 :

The instances [of his removals] will be few and governed by strict rule, and not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear; * * * those who have done ill, however, have nothing to hope.

Letter to Levy Lincoln, October 25, 1802 :

I still think our original idea as to office is best; that is, for obtaining a just participation on deaths, resignations, and delinquencies.

Letter to Dr. Rush, March 24, 1801 :

Of the thousands of officers, therefore, in the United States, a very few individuals only, probably not twenty, will be removed, and these only for doing what they ought not to have done. I know that in thus stopping in the career of removal [he means on paritzan grounds] I shall give great offence to many of my friends. That torrent has been pressing me heavily, and will require all my force to bear up against; but my maxim is, "*fiat justitia, ruat cælum.*"

In a letter to General Knox, March 27, 1801, he expresses himself to the same effect.

HENRY CLAY UPON THE SCRAMBLE FOR OFFICE.

Henry Clay said in his speech in the Senate, January 26, 1832, in opposition to Mr. Van Buren's nomination as minister to England :

I have another objection to this nomination. I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription, for the exercise of the elective franchise, in the government of the United States. I understand that it is the system on which the party in his own State, of which he is the reputed head, constantly acts. He was among the first of the secretaries to apply that system to the dismissal of clerks in his department, known to me to be highly meritorious, and among them one who is now a representative in the other house. It is a detestable system, drawn from the worst periods of the Roman republic, and if it were to be perpetuated—if the offices, honors, and dignities of the people were to be put up to a scramble, and to be decided by the results of every presidential election—our government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that of Constantinople.

Josiah Quincy thus describes the office-seeking members of Congress, in a speech made in the House of Representatives on the 30th day of January, 1811 :

But as to that other class of persons who are open, notorious solicitors of office, they give occasion to reflections of a very different nature. This class of persons, in all times past, have appeared, and (for I say nothing of times present) in all future will appear on this and on the other floor of Congress, creatures who, under the pretense of serving the people, are, in fact, serving themselves; creatures who, while their distant constituents, good, easy men, industrious, frugal and unsuspicious, dream in visions that they are laboring for their country's welfare, are in truth spending their time mousing at the doors of the palace or the crannies of the departments, and laying low snares to catch, for themselves and their relatives, every stray office that flits by them. For such men, chosen in their high and responsible trust, to whom have been confided the precious destinies of the people, and who thus openly abandon their duties, and set their places and their consciences to sale, in defiance of the multiplied, strong, and tender ties, by which they are bound to their country, I have no language to express my contempt. I have never seen, and I never shall see, any of these notorious solicitors of office, for themselves or their relatives, standing on this or the other floor, bawling or bullying, or coming down with dead votes in support of executive measures, but I think I see a hackney laboring for hire, in a most degrading service; a poor earth-spirited animal, trudging in his traces, with much attrition of the sides and induration of the membranes, encouraged by the special certainty that, at the end of his journey, he shall have measured out to him his proportion of provender.

But I have heard that the bare suggestion of such corruption was a libel upon this House and upon this people. I have heard that we were, in this country, so virtuous that we were above the influence of these allurements; that beyond the Atlantic, in old governments, such things might be suspected, but that here we were too pure for such guilt, too innocent for such suspicions.

Mr. Chairman, I shall not hesitate, in spite of such popular declamation, to believe and follow the evidence of my senses, and the concurrent testimonies of contemporaneous beholders. I shall not, in my estimation of character, degrade this people below, nor exalt

them far above, the ordinary condition of cultivated humanity. And of this be assured, that every system of conduct, or course of policy, which has for its basis an excess of virtue in this country, beyond what human nature exhibits in its improved state elsewhere, will be found, on trial, fallacious. Is there on this earth any collection of men in which exists a more intrinsic, hearty, and desperate love of office or place, particularly fat places? Is there any in which place and official emolument more certainly follow distinguished servility at elections, or base scurrility in the press? And as to eagerness for the reward, what is the fact? Let, now, one of your great office-holders, a collector of the customs, a marshal, a commissioner of loans, a postmaster in one of your cities, or any officer, agent or factor for one of your Territories or public lands, a person holding a place of minor distinction but of considerable profit, be called on to pay the last debt of nature, the poor man shall hardly be dead, he shall not be cold long, before the corpse is in the coffin, the mail shall be crowded to repletion with letters, and certificates, and recommendations, and representations, and every species of standing sychophantic solicitation, by which obtrusive mendicancy seeks charity or invites compassion. Why, sir, we hear the clamors of the craving animals at the treasury trough here in this capitol. Such running, such jostling, such wriggling, such clambering over one another's backs, such squealing because the tub is so narrow and the company is so crowded. No, sir, let us not talk of stoical apathy towards the things of the national treasury, either in this people or their representatives or senators.

APPENDIX F.

TESTIMONY OF THE PRESS, REVIEWS, &c.

From the Chicago Tribune:

THE CIVIL SERVICE OF THE UNITED STATES.

Taking for a text the bill introduced in the last Congress by Mr. Jenckes, a writer in the current number of the North American Review commences an instructive article on the civil service in the United States with the words: "The condition of our civil service is deplorable." The statement is true. The picture the reviewer draws of the character and qualifications of our red-tape gentry is calculated to excite the just indignation of the people and to engage the considerate attention of every politician who is a statesman. For a generation before the war the essential qualification for the public service was an unconditional devotion to slavery. The atmosphere of Washington was pestilential. The intellectual inactivity and moral debasement could only be withstood by the most vigorous natures. And the writer claims that this state of things, than which nothing could be worse, has been but little improved. The departments are still "mental dormitories;" prison and school-boy discipline take the place of intellectual vitality, while self-respect and ambition are generally wanting. The writer would have us believe that the officers of our civil service, with few exceptions, constitute a class of privileged imbeciles, and that the civil service is a bureau of favored ignorance and preferred incompetency.

Such charges as these the writer sustains by incontrovertible facts. Our civil service system, or non-system, is radically vicious. While the requirements for the United States military and naval service are such as to attract the highest talent, and to stimulate the noblest ambition, our diplomatic and civil service, in connection with which are the most important positions in the government, are left to the favoritism of partisans. Merit and ability are supplanted by false notions of political gratitude. Men of the most diverse abilities, or of various grades of incompetency, at different times hold the same office. Public officers engaged in the same work are frequently unknown to each other. There is no *esprit de corps*, no harmony of action, no common end, save the too frequent unity of selfish interest. Whatever party is in power there is the same scrambling for spoils, the same seeking for the offices in the "gift" of a successful candidate.

The remedy proposed is the plan of competitive examination proposed by Mr. Jenckes. Of all civilized nations, the United States alone has not adopted such a system. Even Turkey, whose government the world is so unanimous to condemn to decadence and dissolution, appoints officers to its civil service according to a scale of merit. In Russia there are fourteen grades in the organization of the civil service. England, later to adopt this system, accomplishes its work with few officials and no fraud. France, since the First Napoleon, has maintained the system the Emperor advocated, "that all public offices should be filled by the most competent persons," and in all the vicissitudes in that most changeable fabric—the French government—the judicial and civil service form the only historic links which connect the present with the past. But it is in Germany, we are told, that the benefits of this system are most clearly manifest, and where it has reached its most perfect development. The rigid economy and system in this branch of the Prussian government contributed not a little to the recent wonderful development of strength, and enabled Prussia successfully to

carry on a war without extra taxation. In Prussia every candidate for civil and diplomatic office must present his university diploma and pass a rigid examination. Once entered on this career the conditions of promotion are well-directed ambition and studious labor, with the prospect, in case of disability or old age, of an honorable retirement with a pension. From this class consuls, ambassadors, and diplomatists are recruited. In this department of the government some of the best talent of the nation is engaged, and to the cultivated minds of the European civil service, enriched by practical experience, the world is indebted for many of those works on social science which form the unconscious basis of so much of modern government. Stealing is rendered as unprofitable as it is dishonorable, and fraud is almost unknown. There are special courses of study for officers in this service. Political science, taxation, finance, and political economy are subjects of thorough investigation. The excise man must know something of chemistry, the treasurer of finance, the custom-house officer of commerce and tariffs. The civil and diplomatic service are as much a profession and convey as much distinction and honor as the naval and military profession. It is the introduction of a similar system that is advocated in the article above mentioned, and which we deem worthy of careful attention. It is neither "independent" nor "American," nor anything of the sort, wilfully to remain in ignorance, nor is it a signal proof of patriotism to reject the lessons offered us by the experience of older nations.

To the adoption of a system of competitive examination founded on the experience of other nations, only two possible objections can be made: one, that a bureaucracy would be thus created; a second, and one which presents more difficulties, is, that politicians would have fewer offices to dispose of.

The fear of an American bureaucracy as a result of a competitive system is absurd. Whatever may be the tendency in some countries of continental Europe, we certainly need not fear a civil army feeding at the manger of the state. The humblest clerk would be as much a candidate for the presidency then as now, and, in the majority of cases, with vastly superior qualifications. Indeed, the writer above referred to insists that there would not be a worse bureaucracy than the present system, which, in fact, has all dangers of a bureaucracy in that the officers are "incompetent and practically irresponsible." The names of the occupants of office change, but their characters do not, and rotation in office does not materially alter the condition of things. There remains the same unambitious oligarchy of incompetents. The political or partisan reasons for opposition to such a change are more apparent than real. If congressmen have fewer places at their disposal they will have more peace of their lives, fewer bores at their heels, and fewer soreheads threatening vengeance on them at the next election. Four-fifths of the labor, worry, and anxiety of a congressman's career under the present system comes from importunities of office beggars. Time which should be devoted to public business is wasted in racing from one department to another to satisfy the demands of this numerous and increasing tribe, or in listening to their stories or answering their letters. We believe that any member of the majority party in Congress would gladly consent to lose one-half of his salary if he could thereby free himself of the perpetual teasing of applicants for office.

It has been intimated that Mr. Wells, the Commissioner of the Revenue, will make some important recommendations on this subject in his forthcoming report, having special reference to the efficiency of the revenue service. We trust that Congress will take the matter into earnest consideration, and will not be satisfied with reforming a single department of the government, but carry the principle through every grade of the public service, that intelligence, honesty, and capacity are the first requisites for civil appointment, and that when a man shows himself faithful and competent he shall not be liable to removal for political reasons.

From the North American Review:

The United States have gone through a formidable convulsion, the outbreak of which was fomented to a great extent by wrong men in wrong places; by faithless and reckless public officers at home and abroad; by a demoralization of the public service, which was at the same time the cause and the effect of treasonable practices and debasement of appointments to public offices to the vilest uses. The moral atmosphere of the land is now gradually clearing up. The destructive era is drawing to a close, and the constructive era is beginning to dawn. We have purged our civilization from the degrading system of slavery. We are now impelled by all the considerations which are sacred to the lover of his country's fame to complete this task by reforming those evils in the public service of the country that grew up to a great extent under the fatal influence of sham democratic and slave-state supremacy. In a recent debate in the House of Lords on the subject of the English Reform bill, Earl Spencer referred very pointedly to the unwillingness of able and noble men to accept public service under democratic institutions. The fallacy of this proposition remains to be demonstrated by this republic, and it can and will be demonstrated.

Under a new system, offering adequate pay to the competent, and based upon the principle of open, competitive examination, young men of talent and ambition would seek public offices; and the same amount of intelligence that distinguishes all other avenues of American activity would appear in the civil service. As the service gained in efficiency its cost would diminish, inasmuch as ten competent persons, fairly compensated, might easily do

the work of a hundred incompetent persons at low salaries. Indeed, it is estimated by a high authority that a saving of millions of dollars might in this manner be effected annually.

It may, on the whole, be said of England and other countries, that the civil service suffers as much from the incompetency of the highest officers as from that of the subordinate employés.

In the foreign service of England much improvement has taken place in the subordinate branches, the secretaries of legation being subjected to a severe examination. But the heads of the legations themselves, having been secretaries at a period when such stringent tests had not yet been introduced, are in many instances comparatively inferior men, often of elegant manners and social accomplishments, but not proficient in the higher branches of statesmanship and cosmopolitan culture, and thus incapable of grappling with the manifold relations of foreign countries, and unable to give to their own government comprehensive views of the respective countries to which they are accredited.

In France, the great political and social revolution of 1789 led to a revolution in the French civil service. The first Napoleon confirmed and established the principle that all public offices should be filled by the most competent persons. The system of examination has since been improved by Victor Cousin, the eminent philosopher and minister of public instruction in 1840, under whose auspices Mr. E. Laboulaye, since so well known in this country by his sympathy with American institutions, made a thorough examination of the systems of civil service in the various states of Germany. Mr. Laboulaye's report, (appended to that of the congressional committee,) embodying the result of his careful investigations, has given a new impetus to the further improvement of the French civil service.

As far, however, as the highest officers of the state are concerned, they are liable to be changed by the caprice of the Emperor. But these arbitrary changes do not affect the civil service of France. This moves on with the regularity of clockwork and the inflexibility of fate. In a country liable as France was and is to be tossed about by political storms, the civil service may be said to be, next to the courts of law, the only organization which survives all changes, and furnishes an historic link between the past, present, and future generations.

The German states, particularly Württemberg and Prussia, are more advanced than any other country in their system of examination.

In Russia all the government officers have grades. There are fourteen grades, all of them implying the rights of nobility, the fourteenth grade being the lowest in the scale. No one can be appointed to a public office in Russia without furnishing certificate of college education, and the offices are assigned according to the educational qualifications. Persons without such qualification are not entitled to any grade, but they may fill lower offices, as those of copyists, &c. They may be promoted, however, and there are not a few instances of copyists rising to the highest offices. Russia, however, is far from being purged of the abuses of favoritism, and the public offices swarm with mere parasites. But the principle of the civil service is, at any rate, established upon a sound theory, and the efforts of the present Russian government are strenuously directed to the enforcement of its practice.

In Greece, no person is admitted to the public service unless he has graduated at a university. In Italy, Portugal, Spain, Belgium, Holland, Switzerland, as in the German states, qualification tests prevail, together with the system of promotion. As an instance of this it may be mentioned that three of the foreign ministers residing at present at Washington, namely, those of France, Spain, and Portugal, had all held the post of director of their respective foreign departments previous to their nomination as ministers to the United States, and served in all the subordinate capacities of the foreign bureau before they attained to their present ambassadorial position. Lord Lyons, formerly English minister at Washington, has recently attained to the most exalted position in his profession by being appointed ambassador to the Tuileries, after having served from his earliest life in the various subordinate offices of the diplomatic service.

In the remote east—in China and Japan—the persons employed in the government offices are the most learned men of the empires; and the perpetuity of the ancient civilization of these remarkable countries may be in part accounted for by the character of their civil service organization.

Even in the mongrel empire of the Sultan of Turkey a test of qualification is insisted upon. To be sure, a pachaship may be wasted upon a favorite of the Sultana, and the governorship of a large province upon a hanger-on of the Porte or a partisan of the Grand Vizier; but smaller offices in Turkey and Egypt are generally bestowed only upon qualified candidates, accomplished Greeks, Armenians, or Levantines, who are as remarkable for their proficiency in languages and their general attainments as the Turkish or Egyptian "head" of the department is generally notorious for his ignorance. In fact, there is hardly a civilized country without a system of examination and promotion in the dispensation of its public offices.

Ours is probably the only country in the world where it does not exist in the civil service, though it exists in our military and naval service, the stringent discipline and efficiency of which are well known to all Americans. No doubt, the so-called localization of offices and political influences have heretofore impeded reform, nor do we desire to disregard this influence. Illinois, for instance, or Wisconsin, would be justified in complaining if their citi-

zens were studiously kept out of all public offices, so that they might be filled exclusively by citizens of Massachusetts or of New Hampshire. The proper theory of the matter is, that all States should have the same right to competition, and that rejection should not take place upon any other ground excepting that of disqualification.

Another argument against the reform of the present chaos is the fear of a permanent bureaucracy, and of the anti-republican tendencies of such permanent institutions. We entertain no such apprehensions. A permanent bureaucracy is only dangerous when it is incompetent and practically irresponsible. We have already shown to what a great degree our service is now practically irresponsible, and we will proceed to show that it is a permanent institution, that we actually now have a permanent bureaucracy.

In the absence of a qualification test, it matters very little whether the incumbents of public offices represent the outgoing or the ingoing administration. If Jones, appointed in 1857, is of the same calibre as Smith, nominated in 1861, and Brown, in 1865, the fact of permanency is not in the least impaired by Jones being superseded by Smith, or by Brown supplanting Smith. Jones, Smith, and Brown, though three different persons, are, in point of fact, one and the same individuality as far as their unqualified office-holding and their unfitness are concerned. This, indeed, is the worst of all bureaucracies, when the hydra-headed brood of office-holders has positively one head, as far as qualification is concerned, and that head a dead-head. Unfitness is consequently perpetuated to such an extent that, although Jones is removed, and Smith dies, and Brown resigns, and White is promoted, the permanency of stupidity is more and more consolidated as time passes on and generation succeeds generation. The spectre "red tape," which we all imagined to have been buried amidst the rubbish of antediluvian monarchies, is thus actually haunting the public offices of the republic. The American citizen, buoyant with capacity, impatient of pedantry, finds himself, on crossing the threshold of government offices, suddenly transferred from the nineteenth century of steam and telegraphs to "the good old times of King George the Fourth."

From the National Quarterly Review :

The change in the condition of our national finances requires a proportionate change in our civil service; in our good old times, happily gone now, never to return, public officers were little more than clerks, and the employés of a large commercial house would not have exchanged places with them. Strangers to the public, the public neither knew nor cared to know them. To be an officer in the civil service of the United States was to live "the world forgetting, by the world forgot." Offices were really hereditary, and the traditional families lived on elegant incompetencies, preserving their names from popular praise or reproach by doing as little as their offices allowed; that little was less than enough to keep them from rusting, but nobody expected more. Now the scene is changed; they are no longer mere subordinates, supernumeraries in the drama of public affairs; they are become actors of the first importance; they administer the law; *inserviunt, non serviunt*. Their duties and their number have grown into equal importance. The army of officers of the internal revenue are, to a great extent, judges to themselves and the public, who have to deal with them, and nobody escapes; they decide on matters and on amounts of prodigious variety and extent; their office is, in many respects, more delicate than that of judges in the courts, for in the cases which they decide the government is at once judge and prosecutor; its officers must have impartiality and ability enough not to fail either as judges or as officers, not to injure either the government or the individual, not to forget what is due the treasury and what the citizen.

It is, therefore, just, right, and necessary to exact of those who are appointed to these offices knowledge and experience, as well as to require a thorough preliminary test of their fitness for appointment. It will no longer do to dismiss a tried and capable officer, like a house servant, with his month's wages. The higher the office, the less should change be allowed to please political adherents or to gain them. The civil service to be good, must be permanent; slow it may be in promotion, and severe in its requirements, but fixed, certain, safe, and dependent only on merit, capacity and good behavior.

The recent legislation on this subject by Congress was the first step in the right direction; Mr. Jencks's bill is the second; but the one without the other is incomplete and unsafe. One of the least pleasing facts of our present condition is the enormous number of candidates for public places; whatever may be the cause, the first result should be to require of every candidate, as conditions precedent to considering his claims for office, some test of his capacity; then from among those who have stood this examination, and that of antecedents and qualifications, to select the fittest, and finally to insure to men thus chosen the position they have earned, permanently, with the prospect of promotion according to merit and seniority.

As matters now stand, the amount of capacity required for any or all of the thousands of places that are in the appointment of the national government seems to be measured inversely in proportion to the duties to be fulfilled. The very phrase that has grown into fashion of "offices in the gift" of the appointing power, negatives the real truth of office as an employment in which the labor and the reward are fairly balanced. What merchant or manufacturer talks of the clerkships "in his gift?" He looks for the best man for the work to be done, pays a fair price, and builds up between them a tie of interest that grows with

every succeeding year. A lawyer may not practice without a license, nor a doctor without a diploma, lest private and individual interests suffer, but the welfare of the whole public is staked on the chances of getting men good enough for the civil service.

The example once set in the civil service of the United States will be followed in that of each State, and of the municipal and other local subdivisions; cities and counties will join States and the general government in a wholesome rivalry to make civil-service employment all that it should be, and in turn civil service will provide public officers as they should be. Political instruction and education for the civil service will become necessary; schools and colleges will add them to their course of study; special schools will be begun and supported; the public generally will be benefited by the opportunity and the occasion for learning anew its political duties; those who complete their studies will be rewarded by appointments, and having secured them by examination will continue their studies, making a practical application of them to the duties of their office, and doing those duties all the better for the prospect of a future secured to them by making promotion the reward of further tests of advanced studies.

From the Tobacco Leaf, New York :

HOW TO PREVENT OFFICIAL CORRUPTION.

In a recent article we took occasion to point out and regret the universal corruption which prevails in this country among our public men and officials. While it is true that, so far as the administration of the internal revenue system is concerned, much of this venalness may be properly laid at the door of that system itself, holding out, as it does at every turn, inducements and temptations to fraud, there is a more remote cause of the evil which no modification or improvement of that system would altogether remove. The real fault lies in the improper selection of men to fill places of public trust, and the cause of this improper selection is political favoritism. Here we get the kernel of this reeking mass of corruption. The party axiom, "To the victors belong the spoils," has wrought greater injury to the republic, by forcing weak, dishonest, and incapable men into places of trust and power, than all the material evils which have befallen her since the memorable Fourth of July, 1776. Indeed, it has now come to such a pass that no man can be chosen to public office among us unless he is willing to bind himself to fill the lucrative positions under him by the appointment of certain party followers—the jackals of the political camp—who are chosen without the slightest regard to their capacity for discharging the duties of the office, and whose only recommendation is that they have stooped lower and plunged deeper into the dirty tides of a popular campaign than any of their competitors. Of course no man of principle will bind himself to such a line of action, and the consequence is that he is thrust aside for some more available candidate. That this is repeated at the recurrence of every general election every one at all acquainted with the subject must know. What wonder, then, that our public officials, from the President downwards, are smitten with this moral disease? Party is elevated above principle, and, although we rejoice that we have had a few Chief Magistrates who have been comparatively free from such influences, the majority have succumbed more or less to this evil genius of our public affairs. It may seem quixotic to imagine that there will ever come a time when our public men will adopt for their motto the noble sentiment of Henry Clay—a sentiment which ought to be engraved in every public office in the land—"I had rather be right than President;" but we have not yet given up all hope of seeing our polluted officials rising from the slough in which they are at present involved and placing themselves on the high ground of an honest, faithful discharge of their duties, untrammelled by party affiliations.

If it is asked what remedy we propose for the present deplorable state of things, we answer, the taking the appointment to public positions, as far as possible, out of the hands of the politicians, who get themselves chosen to the most responsible and remunerative positions under government, and lodging it in a board of commissioners, who shall be known as the board of civil service commissioners, and who shall be composed of men above the reach of political corruption, if such are to be found. This civil service—resembling that of Great Britain—shall include all our foreign and diplomatic appointments and the organization of the different bureaus at Washington. To take away even so much power of appointment from the present incompetent and corrupt hands would be to inaugurate a reform among our officials the good results of which would be incalculable. The appointments of the civil service commissioners should be made solely on the ground of merit, and should only be made after a proper examination as to the general attainments and particular qualifications of the applicant for the position desired. Should such an examination but be generally established, what might we not hope for the future? Take, for example, the appointees to positions as inspectors under the internal revenue law. The earnest inquirer will hardly find a district throughout the country in which there are not many officials who know scarcely anything of the duties they have undertaken to discharge; and not a month passes in which letters are not received by the heads of the department containing the most childish and illogical inquiries with reference to the provisions and construction of the law, which a school-boy of twelve would be ashamed to propound.

But not only should the applicant for a situation in the civil service of the government be properly examined, he should be properly paid and provision made for him when, from age or disease, he has become unable to properly discharge his duties. As we have frequently remarked, the crying evil in the internal revenue department, and in other branches of official trust, is the inefficient remuneration of the employés. No man of proper business qualifications can afford to give up his regular calling for the small returns and insecure position of a government employé, and thus these positions fall into the hands of men whose services would be dear at any price. Civil service positions should be well paid, and an honest and intelligent discharge of duty should be required in return. A man should feel that he has a sure situation for his working days, and that he and his will be properly cared for when he can work no longer. This is the arrangement adopted by the British government, and both salaries and pensions are carefully and equitably adjusted, and based on the amount and quality of the service rendered.

We are glad to see that this important subject has already attracted the attention of our legislators, a bill—of which, however, we have not been able to procure a copy—having been introduced into Congress during its last-winter session providing for the establishment of a civil service bureau such as we have here indicated. With such machinery organized, we should not, when travelling abroad, be constantly put to the blush by meeting American diplomatic representatives utterly ignorant of the language of the court to which they are accredited and of the country to which they are sent. Such appointments are, unfortunately, very common, but they are none the less disgraceful and a stain upon the national escutcheon. With the organization of such a service the holding of public offices would be, in a measure, taken out of the hands of incompetent men, and a dignity be given to the public service unknown before. As at present managed, we should regret to see any friend of ours accept a situation under government, unless he possessed an independent income of his own, as we are certain that his integrity would be assailed by the most powerful temptations, and that even should these be successfully resisted, the vicious principle of "rotation in office" would oust him from his position at the next turn of the political wheel. These facts have caused office-seeking to be generally regarded as no better than a genteel kind of begging, and applicants as a set of worthless beings unable to procure any more permanent or remunerative means of livelihood. Thus true it is that public service has fallen low down in the public estimation, and the republic is suffering daily incalculable injury from a continuance of such a state of things. We might, were it necessary, go back to the days of the Pilgrims, and even later, when only the best men—best both in point of intellect and morality—were chosen to fill the places of public trust, and trace the gradual departure from that high standard until we reach the low level of the present day. But suffice it to say that this point has been reached, and that there is no hope for the future unless the people take hold of this monster corruption by the throat and insist that he shall be ousted from the high official places of the land. Well may Pope's lines be applied him:

Vice is a monster of such hideous mien
That to be hated needs but to be seen;
But, seen too oft, familiar with its face,
We first endure, then pity, then embrace.

We have embraced too long already; now let us have a look at virtue's beautiful and benign countenance.

From the Newark Daily Advertiser:

THE CIVIL SERVICE BILL.

Mr. Jenckes, of Rhode Island, has a bill now pending in the House of Representatives, providing for an entire change in the present system of appointments to public offices. Everybody knows what the present system is. It hardly raises a question as to the capacity or integrity of an applicant, and makes official position exclusively the reward of partisan service. Ever since the time of Jackson, and the assertion of Governor Marcy that "to the victors belong the spoils," the inauguration of a President has been the signal for a general removal of those who hold, and a general scramble for the successorship of those who want, an office. During the present administration, it has been loudly and offensively proclaimed that those who eat the President's bread and butter must fight his battles, and so sweeping were the changes, and so little did they regard any qualification other than devotion to "my policy," that it is no exaggeration to say that the national treasury has suffered losses to the amount of hundreds of millions from the substitution of dishonest and incompetent men for experienced and honorable officers.

The army and navy, except to a very limited extent, during the great rush for shoulder straps incident to the war, have been almost entirely free from this evil. It is fair to say that as now organized and managed, the regular army is made up as exclusively as possible of men of capacity and integrity. It is very rarely indeed that its honor has been clouded by dishonest acts on the part of its officers, and the same statement may be truthfully extended to the navy. Yet these officers are not extravagantly paid, nor are they without those temptations to which so many men yield in the civil service. The fact that they are so generally

honest is due to their training, to the method of their appointment, and above all to the fact that, so trained and appointed, they have naturally acquired a high sense of professional honor. Their social position depends almost entirely upon their rank and reputation in the service, and not upon the style in which they live.

Mr. Jenckes's so-called civil service bill proposes to apply to the civil officers the same rules of appointment that now obtain in the army and navy. Candidates for positions in the Treasury, the Interior Department, or the Post Office are to be required to pass a stringent examination, in competition with other applicants; and measures are also proposed to ascertain the general fitness and integrity of the candidate. There is nothing impossible about this; nothing even that can be considered inconvenient. It would require no great skill to devise a system of examination in accounts, in fiscal science, and in the history of treasury operations which would fairly test the ability of a young man to enter upon the duties of a clerkship under Mr. McCulloch. In the diplomatic service, so often disgraced by the uncouth ignorance of men who "must be provided for," the same rule should apply. They should be able to speak either French or the language of the country to which they are destined; they should be familiar with the customs observed in national negotiations, and, especially in consulates, they should be proficient in knowledge of the commerce of the port to which they seek to be assigned. We are glad to know that Senator Patterson, of New Hampshire, is preparing a bill to do for the foreign service just what Mr. Jenckes is trying to do for the civil service at home.

Under such a plan of competitive examination, with the added condition that appointees shall hold office during good behavior, a commission would be a certificate of character as a gentleman, entitling the holder to social position and recognition. The different bureaus would naturally draw to themselves men of purity and refinement. An *esprit de corps* similar to that existing in the army and navy would soon arise, and promotions would be looked upon as the regular reward of a faithful discharge of duty, so that there would be little disposition to change or retire. But the greatest benefit would be found in the removal of a terribly corrupting influence from our popular elections. Many people now vote for a candidate because, in event of his election, they will have a claim upon him for some subordinate position. The taint of self-aggrandizement runs through our whole political system. A bad man in power has a controlling influence over all his inferiors. Their food and shelter and the comfort of their families depend upon his favor. There is nothing more melancholy or more degrading, in our conceptions of human nature, than the timid subservience of the office-holder who changes his political opinions with every election, and thinks, acts, and votes with an eye single to his livelihood. There are other arguments that will suggest themselves, and we hope that they are sufficiently obvious to induce the passage, in Congress, of the civil service bill of Mr. Jenckes, and the foreign service bill which Senator Patterson is about to introduce. We shall have a purer political atmosphere when they become laws.

From the Iron Age, New York :

NECESSITY OF CHANGE IN THE MANNER OF APPOINTMENT AND CONTROL OF REVENUE OFFICIALS.

We append a memorial adopted at the Cleveland convention, praying Congress for a thorough change in the manner of appointing officers for the collection of internal revenue, and pointing out the evils attending the present system of collection. We suggest to our exchanges that they copy this memorial, and urge upon their readers the importance of having it extensively signed and sent forward without delay to Congress. The subject is one of the deepest and most pressing importance, as the incapacity and venality of the persons charged with the duty of collecting our excise taxes are so great as not only to have become a great national disgrace, but to threaten even the demoralization of the government itself. If a system cannot be devised by which men may be compelled to deal honestly with the public moneys intrusted to their charge, we may fear for the permanence of our institutions and the safety of the country, and no subject requires prompter or more judicious treatment than this at the hands of Congress. The following memorial (prepared by Mr. E. B. Ward, of Detroit) is just in time, and we hope it will receive a million signatures from all sections of the country. We trust the suggestion we make will be attended to.

MEMORIAL.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists beg leave most respectfully to represent that the belief has become universal throughout the United States, that the interests of this country demand a great and decided change in the mode of appointments and removals, and in the qualifications of all others who are selected to execute the laws for the disbursement of the moneys belonging to the United States. The evils of the present system are so patent and so gross that the Secretary of the Treasury and the Commissioner of Internal Revenue both admit the impossibility of conducting the revenues and treasury of the country creditably or satisfactorily with officers appointed under the present plan.

All the ablest and most sagacious statesmen of the country, including Jefferson, Calhoun,

Clay, Morehead, Benton, Webster, and hosts of others, have during the time of their greatest political power lent the whole force of their influence and eloquence to change a system that, in the language of a most able and searching report to Congress on this subject, says: "That the present system of appointments is fettered by conditions destructive of the independence, reproachful to the patriotism, humiliating to the pride, degrading to the character of an American citizen," and it is patent to every one conversant with this subject that the time has already arrived when (as predicted by those far-seeing men) the finances of the nation can no longer be successfully managed by the men who seek and obtain appointment under the present crude mode of selection of public officials. It is true that some worthy men obtain office, but it is notorious that worth and fitness are the exceptions. The Secretary of the Treasury reports that large percentages of taxes on several of the leading articles subject to taxation are totally lost through the collusions and incapacity of the officials charged with their collection.

It is time that a thorough system of examination into the moral and educational fitness of all candidates for office should be put in operation in this country, as it has been in all European governments, and as is suggested in the able and practical report of the Commissioner of Internal Revenue, under the head of "civil service."

Believing that no subject will be presented to the consideration of Congress during its present session of more imperative importance to the well-being of this government than the one we now press upon your attention, we most respectfully solicit your earnest and early efforts for the removal of one of the greatest and most dangerous evils that now afflicts the overtaxed energies of this great nation, and threatens, if continued, the total demoralization of our whole collection system.

The humiliating confession of the Secretary that this government cannot collect its revenues owing to the corruption of its officers, is a flagrant disgrace, and no time should be lost in making such a change as will wipe this shame from the records of the government.

And your memorialists will ever pray.

From the Boston Advertiser, February 6, 1868:

THE CIVIL SERVICE.

To the Editors of the Boston Daily Advertiser:

It is a matter of encouragement to every true friend of our institutions that the attention of our legislators and business men is at last becoming interested in the subject of that branch of our government known as the "civil service." A committee of Congress has the matter under advisement. They have prepared a bill well adapted to produce one of the greatest reforms of the age. In these times when men are feeling for the solid foundations whereon to rebuild, it is well that this important department should be remodelled and brought into harmony with the spirit of our institutions and the intelligence of the age. It is a work in which the United States ought to have been the pioneer, but unwittingly it has been delayed till even the conservative governments of Europe are far in advance of us.

Time was when our government could afford—if a government ever could afford to tolerate an evil—to let its financial matters be managed in any way that would best suit the lax notions and convenience of those having them in charge. Its revenues were not only amply sufficient to meet all its demands, but were such that, after feeding all the parasites and vampires that naturally infested the system, it actually distributed among the people an accumulated surplus lying unused in its vaults.

But times have changed. The nation is now deeply in debt. Taxes are levied to meet our necessities. The people give a willing assent. The debt is theirs; the government is theirs; the officers of the government are their servants. Into the hands of these servants they give a free offering to be applied to the speedy cancellation of this debt. In doing this they demand faithful effort and honest service in every department of the government, that no part of the revenue be diverted from its legitimate purpose; that no post of responsibility be encumbered by an inefficient servant; that no funds be squandered to support an inefficient system of service that has outlived the era it served, or that has been perverted from its legitimate purposes to subserve the interests of mere partisans, if not to feed broken down politicians at the government expense.

We have before us a prolific source of evil in the matter of appointments to office. Look for a moment at the results following the appointment of a collector of customs at any of our larger ports of entry. While the new incumbent is yet without experience and with little knowledge possibly of the very first steps to be taken in the discharge of his new duties, to say nothing of the pressure of the daily routine of business devolving upon him, and the endless variety of perplexing questions involved in appeals from his decisions, and from other sources, to be considered and reported upon to the department, he finds himself surrounded with a clamorous horde of place-hunters who, like *Æsop's* hungry swarm of flies, give him no peace till they gain a foothold where they hope to engorge themselves at the expense of the government. They haunt him not only at his office during the hours of business, but at the street corner, at his fireside, and in short at any place and at any hour of day or night when he may be reached.

Once in the coveted positions they find not only something to do but much to learn before they can begin to do. And here to the government at least is the beginning of trouble. All the world knows that in such circumstances accounts were repeatedly returned from the departments for correction, to the frequent mortification of the chief officer and the great hindrance of the public business.

The business community are also included in the list of sufferers from this cause. Not a few can bear testimony to the vexatious delays, the grievous annoyances, and sometimes the added expenses resulting from errors of construction or misinterpretations of the laws regulating the details of business by the inexperienced, if not incompetent, appointees that succeed nearly every new administration. I do not intend to imply that every new appointment is undesirable, but I do wish to be understood as being in favor of a system that shall make needed changes in such a manner that the public service shall not suffer thereby. The business of the government is not of a nature so simple and obvious that a man can know by intuition just how it is to be performed. Our business establishments, with a capital of a few thousand dollars, intrust their books and papers to no bookkeeper unless he is qualified for the position by a previous thorough course of training. But here is our government, an immense business establishment with the care if not with a capital of millions of dollars, appointing men to the care of its moneys and keeping of its accounts in a manner that, if followed by ordinary business concerns, would ruin 999 out of every 1,000.

The renowned Swartwout years ago demonstrated the imperfections of the system in one direction, and his imitators follow in so rapid succession at the present day it would seem to need no argument to convince the most incredulous of the imperative necessity of a radical change in the entire system.

From the Republican, Bellefontaine, Ohio:

THE CIVIL SERVICE BILL.

We are glad to know that this bill is gaining in favor with members of Congress, and that it is now likely to be adopted. This measure provides for the examination of applicants for office, and makes their appointment dependent upon qualification and moral fitness and not on the favor of politicians or the political services of the applicant. If adopted the measure will do away with the greater part of the corruption in the government and bring about a purity in the administration of government affairs that has not existed since the day when Jackson inaugurated the present corrupt system of appointing men to office for party services without any regard to qualifications or fitness for positions.

We know of no measure that would work a greater reform, or which we would more gladly see adopted.

From the Round Table, New York, October 26, 1867:

OUR CIVIL SERVICE.

The most anomalous of all our public officers is the Vice-President of the United States. The Paul Prys of the press give faithful accounts of the cabinet meetings, but with all their acuteness they have not yet been able to detect the Vice-President among the personages who constitute that solemn conclave. But how can the Vice-President be expected to discharge the duties which the Constitution assigns to him in the event of the absence, sickness, removal, or death of the President if opportunities for familiarizing himself with the functions of the Executive are altogether denied to him? When President Washington made a journey, even of the shortest duration, he never left the White House without first installing in it Mr. Vice-President Adams as acting President during his absence. President Johnson, on the other hand, has absented himself on several occasions from his post of duty without calling upon Mr. Vice-President Wade to officiate as President during his absence. The Vice-President having consequently nothing to do excepting during the session of Congress, when he officiates as President of the Senate, we suggest that he may profitably be placed at the head of the civil service commissioners to be appointed whenever Mr. Jenckes's civil service bill shall have become the law of the land. This will give the Vice-President something to do, and this functionary will cease to be a mere walking gentleman on the stage of affairs, and become a fully-employed public officer. The President might thus be relieved from attending personally to the selection of postmasters and other petty officials, and the time now wasted by the Executive in adjusting appointments and in granting interviews to supplicants for office might certainly be more worthily bestowed. The question who shall be postmaster at Kankakee or collector at Cohasset is no doubt one of transcendent magnitude, but we believe that the power of deciding upon it may safely be delegated to the Vice-President, while the President may employ himself in deciding upon questions of possibly somewhat greater importance.

Public opinion is in this, as in most other respects, far in advance of politicians. The people are disgusted with the present condition of the civil service, and it is due to the intelligence of American citizens that the public service of this republic should be organized

upon the same principle of fitness and qualification which determines the appointment of persons to be employed in private establishments. Yet it may fairly be asserted that more care is bestowed by a New York lady upon collecting evidences of the qualifications of her maid than by the politicians upon those of public officers. With a test of qualification once established by law, the whole official atmosphere of the republic will be delivered from the taint of incapacity and turpitude which now weighs upon it like a nightmare. We shall then have men for Presidents and Vice-Presidents and other public offices who come from the highest intellectual and moral spheres of society, instead of from the very gutters and sink-holes of the land. This republic was founded by the gentlemen of America, by men of the noblest culture of heart and mind. Society in the early days of the republic was controlled by gentlewomen and gentlemen whose influence kept vulgarity at a distance, and blended republican simplicity of manners and living with the most delightful social virtues and accomplishments. A thorough reform in the civil service, such as proposed in the civil service bill, with the Vice-President as chief commissioner, will do much to restore official service and society to something of its original purity and respectability.

Thousands of educated young Americans, of gentlemanly nature and high attainments, who now are doomed to vegetate as briefless lawyers, idle divines, or unsuccessful merchants, would enter the lists as candidates for the civil service from the moment the latter shall be based upon a principle of qualification that holds out a fair chance to their talents and aspirations. Dunces, imbeciles, and rogues would be excluded by proper tests of qualification which they must necessarily be unable to meet. Washington, the national capital, now the seat of all the riff-raff and the incapacities of the continent, would soon become a city distinguished for its culture, if public officers, from the President and Vice-President down to the most obscure head of bureau and clerk, were selected from the most intellectual and refined, instead of from the most obtuse and coarse classes of citizens. Any one who doubts the propriety, not to say the absolute necessity, of a change has only to visit Washington on the eve of the meeting or during the session of Congress, or during some political excitement, and he will soon become less incredulous. He will see the hotels and principal streets, the lobbies of Congress, the departments, and the White House thronged with multitudes of men and women who look as if they had escaped from some bagnio. The men will look dirty and sordid, and the women haggard and forbidding, to say no worse. These people are office-seekers or office-brokers. A foreigner, unfamiliar with the chaotic condition of our civil service, might fancy that Botany Bay and the Dry Tortugas had poured out their inmates upon the capital. These wild, uncouth men and miserable women crowd the parlors of the White House, clamoring for bread, as if the government of the United States were a poor-house, and offices meted out to the needy like alms.

Evils of this kind can only be remedied by introducing tests of qualification and open competition. The thousands of individuals who now besiege the Executive and Congress and the departments in search of employment, without a shadow of qualification, should be left to the tender mercies of the charitable, if they cannot earn a living by honorable labor. The present system should be altogether abrogated. The power of appointment should be vested in the hands of a commission, who, as is proposed, shall decide as to the qualifications of the candidates for the public service. The President, the heads of departments, and the members of Congress need all their time for the proper discharge of their official duties. In relieving them from the present pressure for appointments to office, the public service will gain as much in efficiency, as far as the public men are concerned, as all other branches of the service will be purified and improved by limiting the tenure of office to successful competitors in open examination. By effecting this reform, the way may be paved for a nobler era in American public life, and in American society. We may then possibly show the nations of the world that, unlike the democracies of antiquity, which were destroyed by bad and incompetent men, who, unhappily, monopolized office and power, the American republic has the wisdom to perpetuate its life by pressing into its service the best and most high-toned, and not the worst and most ill-bred of its citizens.

From the New York Round Table, November 9, 1867 :

The country has been lately shocked by the discovery of frauds in the Treasury Printing Bureau, and a congressional committee is now in Washington for the purpose of investigating these charges. Frauds will, unfortunately, occur in the best regulated services, and it would be hazardous to assert that the contemplated reform of the civil service will render them altogether impossible. But this reform bids fair, at all events, to diminish the difficulties which exist in the present chaotic condition of the civil service, by substituting for an army of irresponsible office-holders persons who have gone through the ordeal of a public competitive examination and of such other tests as the civil service commissioners may deem proper to apply regarding the integrity and trustworthiness of the respective candidates. The Treasury Printing Bureau is an immense establishment in which hundreds of men and women are employed who are not responsible to the state. They are responsible only to an officer as irresponsible as they are, who cannot be removed or suspended excepting with the consent of the Secretary of the Treasury, who, in his turn, wields also an altogether irresponsible authority, he or his predecessor having appointed the so-called Superintendent of

the Printing Bureau (who in the hierarchy of the treasury is only a clerk, though he actually exercises the authority of a superintendent) without either the knowledge or the consent of either house of Congress, or of any other responsible body or authority.

Now, this is a dangerous state of things. In the midst of our free institutions we find official bureaus, the operations of which are wrapped in mystery and darkness because they are carried on by irresponsible employes, appointed by the arbitrary power of one man, and that one man in most cases ignorant in regard to their moral and mental status, and hardly knowing their names. And how is it possible that one man, howsoever watchful and able, can vouch for the competency and integrity of thousands of clerks, directors, and superintendents?

In the eastern, western, and middle States, there are thousands of brave women who earn an honorable livelihood as teachers, and they hold a distinguished position among the most civilizing agencies of the country. The profession of teaching is sympathetic to womanhood, and gives a worthy occupation to the mind. But the task of the female copyists in the departments, and the quasi-factory duties of the girls in the printing bureau, are of a far less elevating character, and produce rather a bad than a good influence. However, if women are overtaken by poverty in Washington, there is little choice between keeping a boarding-house or going to the Treasury or poor-house. Five out of six Washington women keep boarding-houses, and rents and living being high, while on the other hand the tendency of congressmen to keep house is increasing, this business is already overdone and precarious under the best circumstances. At the same time Washington contains a larger number of poor, genteel families, than any other city of the Union north of Richmond, from the fact that the salaries in government offices are not adequate for the support of a large family, and also from the accession of many helpless and reduced women of the southern States. The number of those ladies has increased a thousand-fold during and since the war, and they are ladies, too, who have not been brought up like those of the east and west, in such a manner as to fit them for teachers even if their intellectual and moral sympathies gravitated in that direction. Hence the immense rush to the government offices of women of all ages and all conditions, good, bad, and indifferent, and the cry is still they come. Yet there is no reason why, if there be no legalized system of competitive examination for the men who apply for offices, there should be a discrimination made among the women. Nor should women be excluded from the benefit of public employment because they are women, or receive less pay when they give the same quantity and quality of work as men because they are women. Yet we have said enough for the present to explain the peculiar circumstances which increase the number of female applicants for office in Washington in addition to that of legions of men.

But what is a Secretary to do in the face of such a state of things? If he were a man of comprehensive statesmanship he would be the first to petition Congress for the abrogation of a power which he is physically and mentally unable to wield over such a mass of untested subordinates, and even if he happens to be only a second or third rate man, he must, at least, have enough common sense to exclaim, like Metternich, "After me the deluge!" But "deluges" are not things to be trifled with when they threaten to fill the land with the stench of imbecility and corruption. To-day there is something wrong in the printing bureau, to-morrow in some other bureau. Congressional committees may sit until doomsday, and even unravel the meshes of some particular fraud or irregularity, yet no permanent remedy will be found until Congress strikes at the root of the evil by substituting competitive examination, and consequent law, order, and responsibility, for the present chaos and irresponsibility. Competent men and women should also be compensated in such a manner that they may not be obliged, as at present, to convert the federal capital into a nest of paupers. However, as long as the irresponsible system now in force prevails, the country has no means of ascertaining whether even the smallest pay is not too large, and the incumbents of office themselves must fret under this imputation of being overpaid, when, as far as the competent number of them is concerned, they are actually underpaid, at least in comparing their salary to that earned by merely muscular labor. The worthy, active, able, faithful government employe is actually wronged, while the public is still more grievously wronged, as far as the maintenance of the frauds of those employes is concerned who are unworthy to hold office. At present all is chaos and confusion, attended by injustice to the good, by immunity to the bad public servant, and by disasters to the public credit, to the honor and the dignity of the country. The proposed system of competitive public examination, and of the introduction of the principle of responsibility to the state in all public offices, high and low, may not afford a remedy for all the evils of which we complain, but few unbiased thinkers will deny that a considerable improvement may thus be effected in the civil service.

From the Round Table, November 23, 1867 :

* * * This is, however, only one case out of a thousand. Indeed, it would not be hazarding too much to assert that worth and aptitude are the very last things thought of in appointments. This is the cancer which gnaws at the vitals of the republic. If culture and character continue to be ignored, the democracy will become a pigocracy; and already there is not a ruffianly tavern-keeper in the land, or otherwise illiterate or venal clod,

who does not think himself entitled to any office, simply because he meets congressmen in bar-rooms and knows how to buttonhole them in the nick of time. Corruption may not be always guarded against, whether the delinquent official be a gentleman of culture or an unlettered boor, and it is only by exacting bonds from officials, high or low, that the people can be efficiently protected against robbery and fraud. The commission charged with the competitive examination of candidates might also exact proper tests as to their moral character and integrity, so that culture and honesty may in future go hand in hand in the public service of the United States. Congress is about to reassemble, and, with the recent political events, office-hunters will soon throng the lobbies of the White House, of the departments, and the Capitol. The maxim that "to the victors the spoils belong" has wrought more evil in this country than any saying that ever fell from a politician's lips. Spoils refer to the property found upon the persons or in the camps of vanquished enemies. Now, to represent the offices of the public service as "spoils" which the victorious political party is justified in clutching as prize-money would virtually degrade this government to a freebooters' organization, with the additional infamy that a professional pirate is guilty only of destroying certain cargoes and ships, while a political pirate captures whole government organizations, inflicts damages that cannot be repaired, by contaminating the entire service and undermining the honor, dignity, and prosperity of the nation.

A plausible, often-quoted maxim thus becomes an execrable hydra-headed conspiracy, and while demagogues flatter the baser strata of the people by laying the spoils at their feet as a bait or bribe for their votes, the people are robbed, swindled, disgraced, and become the laughing-stock of mankind. During the turmoil of the last generation, while the republic was sowing its wild oats, with slavery at the south and incursions of hordes of immigrants north, it would have made wily old politicians smile to hear any one urge morality and efficiency in the public service and to advocate its purification by the introduction of a system of competitive examination and of rigid tests of qualification. But the republic is gradually emerging from this chaos. It is also becoming rapidly weaned from the fallacy that common schools and churches and facilities for the rapid acquisition of wealth are all that is required to make a government respectable and a people happy. It is only by welding culture together with integrity that the civil service can be purged from its present evils, and, at the same time, set an example to all other branches of American activity. This is not alone the indispensable condition for the improvement of the civil service, but that of the stability of democracy itself. Surely with cultivated, patriotic, and upright men in public places, the republic need not again present the mortifying spectacle to the world of fellow-citizens cutting each other's throats because they lacked the moral and intellectual power to settle their difficulties in a peaceable manner, as becomes Christian legislators and peoples of the nineteenth century. Since we had no tests of qualification for public functions, legislative action became pugilistic, official action arbitrary, and the public service inefficient, corrupt, chaotic. A better era is dawning, and the adoption of the Jenckes bill of competitive examinations will be among its most auspicious heralds, to be followed by many other measures in the same direction.

From the New York Round Table, November 30, 1867:

The Land Office is presided over by a functionary of great comprehensiveness of mind and indefatigable industry and energy, but as far as the subordinate officers are concerned, greater talent would certainly be infused in the service by the adoption of the competitive principle. This department is also under the official control of Mr. Browning, who is thus the lord of all the lands which he surveys. Low down in the building, in the subterranean halls, where, as upon the altars of the ancient Greeks, light is always burning, is concealed the Census bureau. Having been without a head for many years past, it is to be supposed that Mr. Browning himself counts the population, male and female, their goods and chattels, their churches and schools, their penitentiaries and their asylums. Mr. Browning has altogether too many bureaus under his control, and good cannot be expected to come out of this comet with many tails.

The agricultural, land, and census departments hold, in some respects, cognate relations as far as many agricultural facts are concerned. Then there is the State Department, which receives agricultural reports from ministers and consuls. Again, there is perched at the top of Mr. McCulloch's caravansary a strange hybrid concern called the Statistical Bureau of the Treasury Department, which prints the commercial statistics received at the State Department and at the custom-houses, and which dabbles in what may be called "statistics at large," with an eye to the revenue. All these departments meddle more or less in agriculture, and some nibbling is done here and some there. Finally, there is the new Agricultural Department proper, which is supposed to be the great pastoral ocean which absorbs all the minor affluents of agricultural incidents and statistics, and from whence they irrigate the whole country in seeds, samples, cuttings, pamphlets, reports, model farms, experimental farms, and agricultural periodicals and publications. Many millions of dollars are annually paid for the support of these multitudinous organizations. Apart from the fact that the appointments made in them are irresponsible and unsatisfactory as long as they are not based upon stringent tests of qualification and integrity, we do not find any preconcerted device

presiding over these establishments, so as to combine and simplify their labors and make them all concur in a well-defined aim of really national utility and progress.

Leaving out of question the statistical department of the treasury, as a thing to be altogether done away with, and considering the importance of the land, census, and agricultural departments, we believe the time has fully come for separating them from Mr. Browning's *olla podrida* and uniting them in one and the same, but independent, department. It will not be enough in future to present ponderous reports to Congress and make a meretricious display of activity. The essential thing is that certain central facts of vital importance should be thoroughly ascertained, and then presented to Congress in as simple and lucid a manner as possible. The distribution of property in lands as well as in real estate and railways should be ascertained in the most careful manner, it being of primary importance to know whether this tends towards monopolies in the hands of a few, as under feudal and semi-feudal institutions, or whether the effect of democracy actually is, as it is generally assumed to be, to diffuse the good things of this world in a more equal manner among the masses of the people.

Many of the facts presented in the reports of these offices do not seem to grapple with these and other central points, and are rather encumbered with a formidable array of dates and figures, which should be only dealt with as aims to the end of deducing facts and principles concerning the present status and future prospects of all the various classes of the population. But they are too much considered without regard to any ultimate result or principle, and the consequence is that, though we have so many gigantic bureaus and departments, we have very little positive information about matters in regard to which it is most needed. Another consequence is, that though we have so many departments, there is a constant call for the establishment of new ones, simply because with the present lack of intellectual power in official life there is hard-working industry without comprehensiveness of mind, and overflowing prolixity without unity of thought or aim. Mr. Orestes Browning does not pretend to possess either the organizing genius of Carnot or the creative power of Bonaparte; yet he is the Tycoon of 50 different bureaus, under the responsibility of which even those two master minds would have fairly staggered. Mr. Browning has also official charge of the mining department; but Mr. McCulloch, too, coquets with mineralogy, and deposes a gentleman noted as an author of several funny books of travel to explore the mining resources of our new Eldorados! This and other reports will be no doubt drawn up to the best of the ability of those who write them. But who tested this ability? Where are the official vouchers to satisfy the country that they can depend upon the information contained in these reports? They are, indeed, even less trustworthy than newspaper disquisitions, because journalists select their writers according to their fitness, while in official life the framers of reports and employés are taken at random, with little or no regard to such qualification.

In advocating thus strenuously the infusion of more brains, the adoption of competition, examination, and the promotion of culture and merit, combined with integrity, to the highest places, we are satisfied that we are rendering the best service that can be rendered to the country. Without greater unity of aim and comprehensiveness of ideas and culture in the prominent offices, and without the adoption of the competitive principle in the various branches of the service, the present intolerable confusion will become so much worse confounded that, in the end, the republic may come to grief for want of brains and want of conscience; it is certainly becoming daily more seriously embarrassed for want of system and unity of thought and purpose in the various spheres of the government.

From the New York Round Table, December 28, 1867 :

The Treasury Department would work more efficiently by abolishing half of its bureaus. The same applies to the Interior Department. The multiplicity of bureaus seems only to have been created for the purpose of constituting an outlet for office-seekers, and for the supporters of politicians. If we need political Botany bays, they ought at all events to be as self-supporting as many penitentiaries are, and should not entail both extravagant expenditure and extravagant imbecility upon the country. Another cause of our cumbrous and multitudinous bureaus is to be traced to the scarcity of master minds in our official spheres, and consequently to the necessity of letting things go by chance instead of devising methods for simplifying the organization of the public service, and for testing and sifting, and at the same time reducing in number, the persons employed in it.

The competition for public service being, under this bill, open to all classes of the population, each congressional district will contribute its ratio of candidates, so that the proteges of congressmen will all have the same chance of employment as heretofore, with this difference, that only those will be eligible who possess the requisite qualifications, as prescribed by the new bill. Those politicians of the old school who hold to the doctrine that well-ascertained aptitude and integrity, as tests of public service, are incompatible with the chaotic nature of a rough-and-tumble democracy, form only a small section of what may be called the diabolical party. Their objections may have considerable weight in bar-rooms, but begin to be scouted with scorn by the enlightened masses of the community. Certain custom-house directors and heads of departments and hack politicians may regret the good old times, when they could with impunity disgrace the service of the country by cramming public

offices with their satellites, but their lamentations will awake few sympathetic echoes except in the hearts of those who are hostile to the republic, and who chuckle with delight over this insidious method of bringing it into disrepute and tearing it to pieces.

The scramble for office which follows in the train of every presidential election, and which is the source of so much demoralization, will, in virtue of the adoption of the principle of qualification, lose, at all events, some of its most objectionable features. Intelligent and accomplished citizens of the republic, who have heretofore shunned contact with public life as long as it held out premiums only to incapacity and corruption, and no inducements to merit and probity, may in future be encouraged to devote their services to the state. Unless American democracy secures the co-operation of the most intelligent, of the best qualified, of the most highly cultured men, it will inevitably share in the end the fate of all previous democracies; attempts which were regularly shipwrecked in consequence of the fatal mistake that democracy means the exclusive rule of the lowest and most uneducated people of the nation. Mr. Jenckes's bill takes the first step toward better things, to be followed, we trust, by more comprehensive reforms, until we have secured the highest talent and most exemplary moral culture of the country for the service of the state.

The principal revenue commissioners take strong ground in their reports to Congress in favor of the principle of mental and moral qualification as a means of protecting the revenue of the country against the frauds and imbecilities that now beset it. These and all other unbiased functionaries are in favor of such a reform. They may have pet schemes of their own, and the Jenckes bill may not meet all expectations, but a gigantic reform like this cannot be expected to be carried out all at once. The best that can be done is to merge all minor differences for the purpose of adopting the Jenckes bill as an incipient measure, remedying some of the most crying evils, and paving the way for ulterior reforms. The republic is at present in a condition which requires on the one hand the utmost retrenchment of expenditure, and on the other, a complete reorganization of the public service. In the face of the southern reconstruction difficulty the republic is called upon to organize the new Territory of Alaska, and perhaps also that of St. Thomas. The lust for more land is not to stop at the Arctic or in the Antilles. The result of all this will be the creation of more public offices. Under the old system it might be as well to draw for these offices, so that the winner may clutch the prize and become a territorial officer or clerk. The chance would be as much in favor of the qualifications of these tricky wights as of those appointed under the old system.

With two immense sea-coasts—the Atlantic and the Pacific—to guard, the custom-house service alone will require armies of employés. The revenue service and the various departments will also increase their business to a vast extent. It will not be too much to assert that within a short period there will be more persons employed in the public service of the Atlantic and Pacific dominions of the republic than in all the European states together. Think of a hundred thousand employés selected at random, according to the caprice of a custom-house director or a secretary, or a hack politician, without guarantee of their qualification either intellectual or moral! The imagination shrinks from fathoming the consequences of such a revolting chaos. Indeed, it would seem as if the republic cared only for clutching empire, without the least thought or care of administering and preserving it, and making it conducive to the welfare of the people. Any savage chief may acquire empire by purchase or by conquest, but the preservation and the use of it depend altogether upon the intellectual and moral forces employed in its administration.

If we go on with our old system we shall present to mankind the spectacle of a nation which spreads from ocean to ocean and grasps one territory after another, without mental forces to administrate such a vast empire, and without moral force to have a public service distinguished for its integrity. We have already shown on previous occasions that, in spite of our costly legations and hundreds of consulates, England and France take the lion's share of the world's commerce, while our foreign ministers make desperate efforts to be admitted to court circles, and to be invited to the soirées of people of title and fashion. We have further shown that our multitudinous bureaus and troops of clerks obstruct rather than advance the public interests, and need to be curtailed as well as to be sifted. In view of all this, and of the additional territorial acquisitions to the republic, the people demand that Congress should procrastinate no longer in regard to the adoption of the bills which we trust to see introduced soon after the reassembling of this body for the greater retrenchment and better efficiency of the home and foreign service.

From the New York Round Table, February 8, 1868:

The task which the civil service reformers have before them seems to be this: To allot to each public office a certain number of employés, selected from the candidates for competitive examination, and, consequently, to reduce the number of the present civil force to a considerable extent; to do away with the present scale of increase of salary, (namely, from \$1,200 to \$1,400, \$1,600, \$1,800, &c.,) which is not sufficiently discriminative, and so fails to insure the best capacity; and to adopt in its stead a higher scale, discriminating between the merely mechanical clerks and copyists, who should not have a higher salary than from \$800 to \$1,200, and the employés whose occupations involve intellectual culture and knowledge

of special studies, and whose salary ought not to be less than \$1,800, and should gradually rise, in the scale of promotion, to \$3,000 and \$4,000. The heads of departments themselves should be subjected to a rigorous test of examination as well as their subordinate employes. The collector of the port of New York, for instance, offers no other qualification excepting that of being one of the hundred thousand merchants of the country. There is no doubt a fair number of merchants who have devoted special studies to all those intricate laws, regulations, and sciences a mastery of which is indispensable to the proper discharge of one of the most important administrative functions of the government. But, as a general rule, our merchants lack time for such studies, though many of them have enjoyed at least the advantages of collegiate education. Now, taking for granted that there are men whose whole life has been devoted to the accumulation of wealth in the importing or in the banking line, and who have yet found time to qualify themselves for the duties to which we have referred, how is the country to discriminate between the merchants and bankers who are qualified and those who are not, excepting by a legalized system of examination? Hence, the fact that a man has been a successful merchant or president of a bank does not carry sufficient weight to substantiate his qualification for an important public office. Not that we wish to underrate the experience of a laborious commercial or financial occupation; they are, no doubt, useful accessories in the administration of custom-houses, revenue and treasury departments. But they are only accessories, which, without special and additional qualifications, may rather prove obnoxious than otherwise, inasmuch as a collector or treasury man, of commercial and financial antecedents and experience only, must be but too apt to rush through his duties in a conventional and apparently smart style, and to scout all improvements, reforms, and comprehensive studies as useless or unpractical, simply because he confounds a governmental with an importer's office, and because anything that transcends his ordinary mercantile routine naturally appears to him visionary. Moreover, if a collector as important as that of New York, or a prominent treasury official, happens to be a person of only ordinary education and without special qualifications and accomplishments for his post, how can the public be expected to respect his administration, and how can he expect to be respected by his subordinates?

If he do not court a stringent examination, if he cannot produce the evidence of having pursued special studies for the fulfilment of his functions, how can we expect that he will exact a test of examination and qualification from his inferiors; and, if untested and conscious of his defective training himself, how can he be expected to pass a judgment upon the qualifications of other men? That such untested men can hold public offices at all is deplorable enough, but that the appointing power should be vested in their hands is positively silly. Think of the collector of New York, for instance, having the power of appointing 1,000 men in his office alone, without taking into account those he may recommend to other offices and those he may "swap." Such a state of things is not to be tolerated any longer, and our advice to the congressional committee is to begin by cleansing the Augean stable of the New York custom-house by taking the appointing power away from its present director and examining him and his employes in regard to their special studies and qualifications. It is only by overhauling one department after another that reform can be effected. The overhauling of the Treasury Department at Washington will also afford rich sport for the reformers. We have no doubt that several bureaus, particularly the statistical bureau, will be abolished altogether, as inflicting a large annual expenditure upon the country without compensating advantages. We have already stated on a former occasion that the custom-house reports, the commercial reports of consuls in the State Department, the census, land, and agricultural departments give all the statistics that are required. Any additional statistical laboratory is a luxury which the country can ill afford, and certainly not at the present time. Moreover, too many cooks spoil the broth, and we are satisfied that with the nibbling done in statistics here and there and everywhere, more money is spent in this country for the collection of loose statistics and statistics "at large," and for their fragmentary and chaotic publication, than for all the ministers of commerce and navigation in European countries together.

The time may come, and we trust soon, when this country will have a minister for commerce and navigation, who shall relieve the Secretary of the Treasury from the custom-house and surveyors' and naval office business, and the State Department from the commercial and maritime part of the consular business. If Congress were to decree to-morrow the abolition of the statistical and other similarly unnecessary bureaus, every tax-paying citizen would be relieved to the extent of the saving of the amounts now wasted upon these bureaus; while their disappearance would inflict no public injury or individual pang save in the hearts of those dismissed from office, and of the critics who might mourn over those delectable opportunities which formerly enabled them to expose gross blunders. We therefore again enjoin upon Congress the necessity of abolishing all useless offices, and the speedy enactment of the proposed reforms in the public service of the country, so that in future our civil and foreign establishments may attain the same efficiency as our military and naval service. As regards the prevention of frauds, and the securing of integrity in the revenue and other public departments, we have already suggested the adoption of a system of bonds; so that, whatever may be the other measures taken for testing the character of the person appointed, the people would be, at all events, guaranteed against loss consequent upon

frauds, by requiring every person, particularly in revenue and financial departments, to deposit a certain amount of money as security for his integrity, to be refunded only within one year after his resignation or removal from the office. Unless such a system be adopted, we cannot see how the people can be protected against the defalcation of public officers; and the protection of an over-burdened people calls for the utmost solicitude on the part of the legislators of the country.

From the New York Round Table, February 22, 1868 :

The system of appointing deputies and assistants as accessories to every public office should be altogether abolished. That system exists only for the purpose of enabling the chiefs of the respective offices to neglect their duties. With the exception of the State Department no assistant or deputies should be allowed. Whatever assistance the head of a department, bureau, or any other office may require, ought to be afforded him by the clerical force; and not the least advantage of the adoption of the Jenckes bill will be that of making these forces so competent as to relieve the government from the necessity of spending large amounts for deputies and assistants. In not a few instances men of shattered health, unable to perform their duties, cling tenaciously to office and luxuriate in its prestige, while the assistants or deputies perform all the work. Obsequious papers publish, on such occasions, pathetic accounts of the declining health of the head of the department, which are very touching from a humanitarian, and suggestive from a pathological point of view. But why does a man who is avowedly unable to perform his duties not resign his office? If there were no assistant or deputy he would be obliged to do so; and as for exceptional cases of temporary illness, the chief clerk might be authorized to officiate in the absence of his principal, with the provision that, whenever the absence shall exceed one month the chief should retire and make room for a more healthy successor. In other instances there are heads of departments who figure only at cabinet meetings and at receptions; who have their names and that of the female accessories of their households printed in the local papers to satiety, but who perform very little work, their duties being actually done by the assistants. Nothing would test the mettle of these great men more efficiently than to give them an opportunity of ceasing any longer to hide the light of their genius under bushels of assistants; and as good things never come alone, nothing would contribute so much to the retrenchment and efficiency of the service.

In regard to postmasters it is a notorious fact that many of them are mere holders of sinecures, being absent from their posts all the time, or most of the time, and the work being fulfilled by a deputy or clerk, so that the people are cheated to an extent which, if the double amount of salary thus required and the immense numbers of postmasters be taken into consideration, would take the community by surprise. Nothing can remedy this state of things excepting the enactment of a law providing for the dismissal of any postmaster who has been absent from his duty, (excepting on account of ill health,) and the dismissal of any postmaster who has been proven to have absented himself from his duty during a period of two months and longer, at any time within the two years preceding the enactment of such law. Postmasterships are in great demand for the very reason that, in many localities, they are practically sinecures. The same observation applies to some extent to custom-house, internal revenue collectorships and assessors. In some of these offices assistants may be indispensable, but we have every reason to believe that the revenue and custom-house would be rendered infinitely more profitable and efficient by abolishing a great number of the assistant collectors and assistant assessors. In consulates the system of appointing deputies and assistants is the curse of the foreign service. In some of the principal consulates the consul only makes his appearance for one or two hours during the day. With the exception of Liverpool, where an assistant consulate or vice-consulate seems to be indispensable, all other deputy or vice-consulates or assistant consulates, which now exist in the same places where there are consulates-general or consulates, should be permanently abolished. Cases of ill health are, or ought to be, very few and far between; and should they occur it would not be difficult to appoint a temporary acting consul. If the health of the consul cannot be restored after one or two months, he should yield his office to a person of a stronger constitution. At this time of reform of the civil service it is important that the principle of allowing deputies or assistants, excepting in a few stated or extraordinary cases, should be definitely abandoned.

From The Nation, May 28, 1868 :

With such facts plainly and tersely put, as they are in this speech of Mr. Jenckes, it is easier to find forcible arguments in support of the measure than to educe them from our general and theoretical belief in its efficiency. What are the substantial rewards which Mr. Jenckes promises for the fruits of his bill if it be made law? Double the amount of the present service at two-thirds of the present cost; a saving in the expense of the collection of the revenues of one-half the \$15,000,000 which it now takes; and finally an addition of revenue from the subjects of taxation proposed to be retained by the Committee of Ways and Means of \$50,000,000 in the internal revenue and \$25,000,000 in the customs. In short the country will be richer by a \$100,000,000 every year, if it adopt a law which will do more to elevate the

politics of the country from the great Serbonian bog in which it is now bedraggled and bemired, more to make statesmen of our politicians, financiers and economists of our revenue officials, more to save the people from corruption, more to preserve the government from mischief, more to renew and restore and sustain the virtues of the republic than all the legislation of the last decade.

With a Constitution purified from slavery, with a government under it that has undergone the throes of civil war, of dissensions between its co-ordinate branches, and with a people honestly and heartily in earnest to maintain both the government and the Constitution, there is still a vice in the administration of the laws which almost palsies them. This mischief lies in the shifting, changing, uncertain, and gradually decaying condition of our civil service. Up to the breaking out of the rebellion it mattered little how the officers of the United States exercised their functions, for the government was seen rather than felt, it was an idea rather than a fact. All this changed with the rebellion, with the enormous efforts of the government to maintain itself, with the burdens put on the people by the success of these efforts, and with the taxes and the vast addition of revenue and outlay that were then voluntarily assumed. The task of adjusting these burdens to our capacity, to make sources of national income without destroying national wealth, has tested the fitness of our political system to do this work. In any other country than our own, with its youth, its wealth, its vigor, its unlimited expanse of territory, its growing tide of emigration, the government would have broken down. That it will not do so now may well call forth all our gratitude. That it may be strengthened and fitted for the work that it has yet to do, in developing the power and capacity of the country in industrial and in other directions, there must be a reform in that one thing which has hitherto been the pitfall of every political party, and the blighting curse of the young men who belonged to one or other of the great armies of our government by parties. This reform is, as we believe, effected by Mr. Jenckes's bill, at least it is aimed at; and as tentative legislation has been the best thing that we could get in other matters, so it may be the best, or in the end it may secure us that which is best, in our civil service.

From the Boston Post, May 29, 1868:

THE CIVIL SERVICE BILL.

If men of all parties would lay aside their differences on other questions for the moment, and in concert establish a general civil service system on which they are already substantially agreed, one important step would have been taken toward the permanent improvement of the administration of public affairs, whose necessity requires no further argument. The bill of Mr. Jenckes, of Rhode Island, is substantially one which will command the favor of the country. It provides simply that the power of appointment to civil offices below a certain grade shall be taken from the hands in which it is at present lodged, and given to a board of examiners, with the Vice-President at its head, to which all applications for place or promotion shall be duly preferred. This board the bill proposes to cloth with final authority in the case. Offices of all kinds are to be open to the competition of seekers, both male and female; but instead of appointments being distributed any longer for personal and party reasons, they are to rest on qualifications as they shall be made to appear, and on merit for services already faithfully performed.

Could a measure of this sort be fairly adopted and consistently maintained as the rule of our government, we assume nothing in saying that influential men of all parties would hail its immediate operation as a sensible relief from the pressure which is regularly brought to bear on larger and more comprehensive questions, too frequently to their injudicious or improper settlement. Interest in party matters will always be found powerful enough without adding anything to its incentives. It is only a detraction from the dignity of our politics, and a detriment to public affairs as therein involved, that considerations of office and personal reward should be suffered to crowd themselves in until they actually take control. The European governments provide for this much better. And if it be so necessary to separate the department of civil service promotions and appointments from general affairs under foreign governments, in a popular government like ours the necessity is very much more apparent. We have thus far consented to let matters run into a state of general confusion so far as this business is concerned; with the rapid growth of the country and multiplication of the needs of the public service, it becomes absolutely imperative that something like order and system should at length be established. Besides creating needless excitement and confusion on the organization of every new administration, this general scramble for party rewards sensibly diminishes the dignity of government operations, and tends to bring the serious discussion of momentous public questions into comparative contempt.

Such a plan as suggested, to be efficient and enduring, should be as simple as possible in its outline, and keep carefully clear of all partisan complications. A well-regulated civil service bureau would reasonably answer to these requirements, provided party hands were kept off of it and out of it by a solemn mutual agreement. Then service under government in this country, instead of being an object of greed and envy, from which every man's neighbor would be glad to see him ejected for the advantage of himself, would be elevated to the level of a separate calling or profession, in which a capable and faithful appointee might expect to spend the active term of his natural life. Such an acceptance of the matter by

men of one side and another side, would instantly purge our politics of a great share of its bitterness and venality, and change the old temptations into the desirable forms of a worthy ambition. The public service itself would be benefited, and so would the recipients of public appointments, and at last parties themselves. There could not be any more conclusive reasons urged for the passage of any measure proposed.

It is not necessary to argue for the positive advantage of a trained body of men to whom is to be committed the routine work of a government yearly enlarging its interests as ours is. The only obstacle which will be presented to this plan with anything like seriousness, happens to be the very one which the plan itself aims to remove; that is the patronage with which members of Congress are now invested, and which has come to be regarded as a sort of essential perquisite to their position. It cannot be that high-minded men of any party would cling to an old, cumbersome, and corrupting custom, for reasons of such a character; on the contrary, they would see in such reasons only the more urgent inducement to be rid of the custom altogether. And we can add nothing to what we have already expressed on behalf of so sensible a proposition, except a desire to see Congress take up Mr. Jenckes's bill just as soon as it can bring its mind to practical business again, and establish a system of appointments in conformity to its general principle. Let our government machinery be made lighter rather than heavier as the nation advances with its development.

From the New York Evening Post :

THE CIVIL SERVICE REFORM.

The question of reforming the system of appointment to office under the United States is a contest between a horde of political managers on one side and the nation on the other. All the true interests of the people are in favor of ending at once and forever the use of official places and salaries as rewards for partisan zeal and efficiency; and of bestowing them only upon those who can really do the work. There is no difficulty in the theory of our institutions to be overcome; the only serious opposition to the reform is from those who profit by the abuses now practiced. The "managers" of parties, the "men of influence," whom the appointing power must not offend, the great powers of the lobby and the closet, whose importance depends on the patronage they are supposed to control; these are the obstacles to this most necessary reform.

The bill as now proposed aims at no sweeping change in the methods of government. Its provisions are as modest and gentle as a measure can be which aims to initiate a radical improvement in a great system. While it is simple in its plan, its adoption will afford a fair opportunity to test the principle of competitive examinations for office under a popular government, and it admits readily of being modified and extended, as experience may suggest.

By this bill the Vice-President or President of the Senate is made the head of a new "Department of the civil service," and president of the "civil service examination board," which is to consist of himself and four commissioners, who are to prescribe the qualifications for each branch and grade of the civil service of the Union, and to hold examinations of all persons claiming to be eligible under their regulations, and asking for appointments. The preference in appointment, in each branch and grade, shall belong to the applicants in the order of merit; but promotions may be made in the order of seniority from among those who have passed an examination, unless the department choose to order another. Special examinations may be demanded by any department of the government, or ordered by the board itself, to determine precedence and seniority in any grade.

A small fee may be required of applicants, to be paid to the United States. The board may prescribe general rules for the suspension or removal of civil officers for misconduct or inefficiency. They may employ "men of learning and high character" to assist in their examinations. The head of any department may send officers before the board for examination, to be dismissed if found incompetent. All citizens of the United States are eligible to examination and appointment under the act; the heads of departments to designate the branches of the service; which may be filled with females as well as males, and for these females shall be equally eligible.

All of the above provisions are limited to those officers, not postmasters, who are by law appointed by the President, the heads of departments and the courts, and do not require confirmation by the Senate. But section twelve permits the President or the Senate to send before the board any person whose appointment to an office requiring confirmation is proposed, to be examined as to his qualifications, either before or after being commissioned, the result to be reported to the President and to the Senate.

It is expected that this bill will be reported to the House within a few days. As it retains the essential features of the system which has produced such satisfactory results in Great Britain, and yet is far more simple, leaving all the details to grow up as circumstances require, it can scarcely fail to commend itself to the country. Any such measure may doubtless somewhat limit the patronage of the members of Congress, and thus a little diminish their importance, but no such consideration ought to weigh against the necessity of bringing greater intelligence and efficiency into the service of the government.

The contest is likely to be most severe on the twelfth section, which permits the application of a test of intelligence, not to clerks alone, but to secretaries, commissioners, auditors, collectors, assessors, foreign ministers, and consuls. It is of little moment whether this section be retained or not. Although it is by far the most important provision of the bill, and that from which the best results are to be expected in the end, yet it will be a great boon to the country if even the appointment of clerks and subordinates can be connected in some way with merit; and a fair trial of this experiment will inevitably lead to an universal application of the principle.

Give us the department of civil service and a board of worthy examiners, and however limited their power at first, the office holders of the future will, on the whole, be useful and honorable men. The passage of this bill will be a notice to quit to all the incompetency and idleness long pensioned on the treasury; ambassadors and consuls abroad, who know no tongue but their own, and speak that with vulgarity; collectors in great cities, who gather millions a year for the treasury and cannot tell on which side of their books to enter their payments, and chief clerks of departments who cannot spell three lines of a plain English document correctly, all these must go. The first vote for a civil-service bill is the knell of their official lives; and the proposed board of commissioners, once appointed, under whatever restrictions, is sure to become their guillotine.

From the New York Tribune:

REFORM IN THE CIVIL SERVICE.

One of the important subjects now before Congress is the movement of Mr. Jenckes, of Rhode Island, for complete reform in the appointment of public officers, clerks, &c., the object being mainly to secure for public station men who are properly qualified for the places to be filled. The principal points of the bill are these: It creates a department of civil service, the head of which shall be the Vice-President or the President of the Senate, and there shall be associated with him four gentlemen, to be known as "the civil service examination board." This board is to prescribe qualifications of applicants for appointment in all grades of public service, with respect to age, health, character, knowledge and ability; to provide for thorough examinations in all cases, and for periods of trial or probation; to establish rules governing applications, and examining personally, or through others specially authorized, all who propose to take places under the government. There is also provision for graduated promotion, based upon merit and length of service, in testimony of which certificates are to be granted. Provision is also made for general rules governing the investigation of charges against any officer, suspension, removal, or other punishment. The commissioners may require an examination of any officer in service when the act goes into effect. The President and Senate may also require any person applying to them for appointment to undergo examination by this board, the result to be reported to the appointing power. It does not appear, however, that such report will be more than advisory.

The general objects of the bill are excellent. Men at all familiar with public business know that there are hundreds of officers in places of great responsibility who are in no degree qualified for the duties demanded of them. The doctrine of General Jackson, "To the victors belong the spoils," opened the door to an irruption of barbarians as little fitted for real public service as were the hordes of Attila to appreciate the grandeur and beauty of Roman civilization. In the distribution of these fitly-called spoils the most zealous, unscrupulous, and ignorant caucus managers or shoulder hitters have been put into places of vast responsibility upon no better qualification than that on some occasion they carried a primary election, and secured a nomination for their patron by the sheer strength of their fists, or, perhaps, by judicious bribery. Party service is, of course, everywhere a claim for preference when patronage is bestowed; but any triumphant party owes to its adversary as well as itself the recognition of fitness and merit in its appointments.

Another evil in our system is the uncertainty of tenure, even in the smallest places. No man, from Secretary of the Treasury to night-watchman in the public stores, knows how long his head may remain on his shoulders. Hence, among honest and zealous office holders there is a feeling of uneasiness that amounts to neglect of public interests. "Why should I work too hard, when a breath may throw me overboard?" they reason. Among the dishonest and unscrupulous the same uncertainty of tenure prompts to "make hay while the sun shines," and they do it with a will. Now, if the public service could be placed upon more assured foundation, if men filling say even the lesser places could feel certain that they would not be displaced except for cause after due trial, the character of the service would be at once elevated, the weight of responsibility would be felt, and all the influences of advancement for zeal and fidelity would begin to operate. Instead of a strife as to who should do the least, it would be who should do the best; instead of who should steal the most, it would be who should save the most. There are now in civil service more than 12,000 officers—an immense army for good or evil as the policy of the government may determine. It strikes us that Mr. Jenckes's bill aims at good results, and in so far we heartily commend it to the careful consideration of Congress.

From the New York Herald :

MR. JENCKES'S CIVIL SERVICE BILL.

The bill which Mr. Jenckes has introduced in Congress to regulate and improve the civil service of the government is a good one, though we doubt if it can become law or be made operative. He proposes to have all candidates for office pass a thorough examination by a board appointed for that purpose, the same as military and naval cadets are examined, and their qualifications tested and approved before they enter upon duty. This undoubtedly would give efficiency to every branch of the civil service. So far the bill should meet with no opposition ; for though parties controlling the government may change, and removals be made for party purposes, there ought to be a test of competency in all cases. And we think the other feature of the bill—to make officers permanent during good behavior—is an excellent one ; still, it is doubtful if this could be carried out, as the party in power could always find some pretext to remove obnoxious partisans. The principle is good all through, and we recommend Mr. Jenckes to urge the measure upon Congress and to try the effect of it.

From the New York Tribune :

A CIVIL SERVICE BUREAU.

We strongly hope that some such bill as that prepared by Mr. Jenckes may become law during the present session. It would relieve politics of three fourths of its venality and corruption, and would purge our public offices of nine-tenths of their scoundrels and incompetents. It would greatly lessen the burden of appointments and removals which now presses heavily on the President and all the departments, and would furnish the Vice-President, who is now a sort of fifth wheel to the government coach, with something to do. Let us have a civil service department of some kind. No better plan has yet been devised than that of Mr. Jenckes.

From the Chicago Republican :

REFORM IN THE CIVIL SERVICE.

Taken in all its broad and deep consequences, no measure before the House has greater claims upon the votes of members than that of Mr. Jenckes, of Rhode Island, on reform in the civil service. Recently we gave editorially a brief and meagre outline of its provisions, but the importance of the subject, as well as the interest it is attracting among the masses of the people, lead us to print the bill in full.

The plan of distributing the offices of the government is full of present evil and future danger. With every change of administration, more than 50,000 of the appointees are expected to walk the plank. The same number of others take the vacated positions, generally unacquainted with the duties to be performed, and who are paid out of the public purse to learn what they are supposed, in theory at least, to know already. If they are disposed to become expert and efficient in the official routine of the grade and branch to which they are assigned, they have no assurance that the mysterious pressure of inside circumstances and outside intrigues, or the whims of their chief, will not at some unexpected moment turn them adrift. At best they can scarcely look for more than four years' lease of office. A new President, even if he entertain the same political views as his predecessor, brings more or less change, and no place holder can feel certain that he is not one who is to seek new quarters.

Thus the distribution of official stations under the government has grown into a vast hot-bed of corruption. Promises of office are used by candidates to gather around them a body of adherents, who give their best energies to secure his triumph, not because he is the fittest man for the place he seeks, nor because his political principles are most conducive to the public welfare, but because his success is the stepping-stone to positions of honor and profit. In this way some one, plausible in address, and adroit in manipulating the machinery of nominations, finds his way into a clerkship for which he has no atom of qualification. Or it may be that some stump speaker, full of persuasive talk, but empty of real industry, obtains a fat place in reward for his unremitted use of his tongue, and fulfils its duties in such a slipshod way that he does not one quarter earn his salary. Of course the public interests suffer from such heavy inflictions of incompetency and laziness. No man in his private business would endure them for a moment. It is as if an extensive farmer should employ a haberdasher's clerk to oversee the cultivation of his crops, or a steamship company should select a captain for one of their boats because he possessed a voice whose stentorian tones could be heard above the raging of a storm. Individuals who acted on such principles would soon come to grief. If they cannot safely, neither can a nation. But the case is even more foolish and dangerous when to incapacity in office holders is added rascality. It is no proper recommendation to an application for an assessorship or a tax collectorship that he has exhibited remarkable aptitude in getting illegal voters through the naturalization mill, or has displayed

wonderful ingenuity in manufacturing roorbacks on the eve of an election. It is no reason why a man should obtain the handling of the people's money that he knows every doubtful elector in his county, and the lowest sum that will purchase the support of those who are for sale.

Yet, under the present system of distributing the public patronage as rewards to be paid for partizan faithfulness and political services, instead of guerdons to be won by the capable and worthy, the national capital has become, to those who are behind the scenes and witness the daily huckstering of principle and place, as corrupt as the carcass of an old horse hauled out of sight and smell, but festering in the sun, bloated with putrified gases, swarming with maggots, and assailing with the most sickening stench the nostrils of any person who ventures into the neighborhood. This corruption does not characterize merely the administration of Andrew Johnson, but has appertained, in one degree or another, to all the preceding presidential terms for some decades. It is a natural and unavoidable consequence of the existing methods of filling the offices under the government. Its constant tendency, too, is from bad to worse. Every year introduces some new element of nefariousness not before practiced. In its present aspects it affords serious alarm to all thinking men, who see in its demoralizing influences a body of sappers and miners digging away the foundations of free institutions. The process is slow, but sure.

Here are some of the consequences that all can understand. The people have been amazed at the extent, audacity, and continued success of the whiskey frauds, in face of all the stringent laws that have been enacted to compel the collection of the dues. It is now officially known that these evasions could not take place without collusion or delinquency on the part of the revenue officials. From \$60,000,000 to \$180,000,000, according to various estimates, are thus lost annually to the treasury of the nation. But there are immense frauds committed in other departments of the revenue, all arising, in the main, from the negligence or the connivance of those whose oaths bind them to a conscientious discharge of their official duties. According to the lowest estimate, the aggregate of the losses from these evasions of internal taxation and customs will reach yearly the startling figure of \$80,000,000, or enough to pay the principal of the national debt in 25 years, by drawing the means to pay the interest from other sources. This is an absolute loss to the people, and goes into the pockets of those who are continually lowering the standard of public morality.

When it is considered that this condition of affairs must grow worse and worse, it will be seen that Congress has before it a question of no ordinary magnitude and no little pressing urgency. It deserves to be considered in all its bearings; but whether the verbiage of Mr. Jenckes's bill is adopted or not, its principle is one that the people will demand shall be placed upon the statute book. If necessary, they will even go so far as to make it a point to elect men who will make it law.

APPENDIX E.

CIVIL SERVICE OF CHINA.

Literary attainments are the sole channel to the acquirement of office and of political advancement in China. All offices in China, from the highest to the lowest, are thus thrown open to all those classes of the people who have the requisite mental qualifications. Favoritism exists, of course, to some extent, particularly as regards Tartars connected by blood with the imperial family and noblemen; and the pressing necessities of the government have made, of late years, offices accessible to men of wealth, who can make up for the extent of their purchase-money and bribes for what they lack in intellectual accomplishments. But the rich, incompetent office-holder is laughed at by his subordinates and despised by his superiors. His position is altogether anomalous, and, in most cases, untenable. As far as the extent of the bribes are concerned, they vary according to the rank of the officer and according to the extent of his unfitness; so that culture and learning are duly appreciated even in such bargains, and the purchase-money decreases in amount in the same proportion that the office-seeker is more educated.

It is well known that one of the most remarkable features of Chinese polity is the very general diffusion of education, and the encouragement that, from a very early period, has been given to the cultivation of letters. Education is inculcated by positive precept, as well as encouraged by open competition for the

highest reward. Among the 360,000,000 of Chinamen at least 200,000,000 are literati. Almost every man in this vast empire can read and write sufficiently well for the ordinary purposes of life. Nor is the education of females neglected, though it is not so well cared for as that of men. Books, on all imaginable subjects, from stories, tales, and comedies, romances, ballads, and fables, to religion, medical, meteorological, historical, philosophical, and legal works, issue daily from the press in Peking and other great cities of the empire, the press being virtually free; though the publication of books is amenable to certain regulations, established by law, whilst treasonable or unpalatable political publications are punished with death. The more bulky and expensive works, as those on history, philology, and jurisprudence, are sometimes published by subscription; but are supplied to the libraries of the functionaries by the government. Libraries are seldom formed, to any great extent, by individuals. The grand collections of history, philosophy, and other standard national works, published by the direction of the sovereign, under the superintendence of the Han-lin, are distributed to the princes of the blood, the viceroys of provinces, presidents of departments, and to the learned of the empire; but, though they are rarely met with in the libraries of private individuals, it must be borne in mind that books are multiplied at a cheap rate, and to almost an indefinite extent; and the very peasant and pedlar have the common depositories of knowledge within their reach. Indeed, it would not be hazarding too much to say that, next to the United States, there are more books in China, and more people to read them, than in any other country in the world.

The great encouragement to this extraordinary and all-pervading cultivation of letters is that they open the door to official employment, and thus, while the state secures the most competent men for its service, it diffuses, at the same time, the blessings of culture. Indeed, it may be safely asserted that if this prospect of government employment were not held out to accomplished men, and to them exclusively, letters would not be cultivated to the same extent. With equal truth it may be stated that, if the effect of excessive absolutism in the form of government, of excessive superstition in the form of religion, and of excessive dislike of innovation, had not thus been neutralized by culture and talent and the highest capacity in the civil and military service of the empire, Chinese civilization would have long ago perished beneath the walls that shut it off from the outer world, and the land of Confucius would have fallen a prey to barbarism. The civil service of China is recruited from persons who have successfully passed through the competitive literary examinations; and, though corruption, and venality, and the influence of rank and wealth will exert their fatal influence in China, as everywhere else, the principle that public officers should only be selected from the successful competitors in the literary examinations is fully recognized, and is, in fact, the law of the land, while corruption and other sinister influences are, virtually, transgressions of the law.

The degrees of literary merit are four, viz: Sew-tsee, "men of cultivated talent;" Ken-jin, "elevated persons;" Tzin-sze, "advanced scholars;" and Han-lin, "the forest of pencils," or national institute. The examination for the first takes place in the country towns; for the second, in the provincial capital; for the third, in the imperial capital; and for the fourth, in the imperial palace. The examinations are very strict, and only a few out of numerous candidates receive titles. After undergoing certain preliminary examinations by the superintendent of the district, the scholar is recommended as a candidate for the first degree, the examinations for which take place twice every three years. The trial takes place in the county hall, which is divided into compartments just sufficient for the accommodation of each student. They receive themes, on which to write both in prose and verse, and are strictly guarded by soldiers to prevent their receiving any assistance. Those who have passed the first examination may become competitors at the second, which takes place

once every three years. The examiners on this occasion are the imperial chancellor and the chief officers of the province; and the aspirants usually number 10,000, who are confined in cells, and guarded as already mentioned. The number that receive this degree are only about 72 in each province. The third degree is the result of a still more rigorous examination at the capital. Here, also, about 10,000 candidates enter the list, and, after being examined in the way described, about 300 of them are dignified with the title of Tsin-sze. The fourth degree follows, a very close examination of those who have already obtained the third, and takes place *in presence of the Emperor*. The successful candidates on this occasion obtain liberal salaries from the Emperor, and are employed to deliberate on all questions regarding politics and literature, to prepare public documents, &c. The three highest candidates are forthwith mounted on horseback, and paraded for three days round Peking, signifying that "thus it shall be done to the man whom the king delighteth to honor." The chief of the three occupies the most enviable post in the nation, and yet a post to which all are eligible, to which all may aspire.

To succeed at any of these examinations, it is necessary to put forth extraordinary exertions. Each candidate is expected to know by heart the whole of the "*Five Classics*" and the "*Four Books*," (most of which were compiled by Confucius and his disciples,) as well as the authorized commentaries upon them, and to be well acquainted with the most celebrated authors of antiquity. The chief excellency of their essays consists in introducing as many quotations as possible from ancient authors; but they are deprived of all books and writings, being expected, as they say, "to carry their books in their stomachs." All this can only be attained by great application and perseverance. The first five or six years at school are spent in committing the canonical books to memory; another six years are required to acquire a good style; and an additional number of years, spent in incessant toil, are needed to insure success.

The most celebrated compositions in the Chinese language are the aforesaid Five Classics and the Four Books. The Five Classics are the Yike-King, "Book of Diagrams;" the She-King, "Collection of Odes;" the Le-Ke, "Record of Ceremonies;" the Shoo-King, containing the history of the three first dynasties; and the Chun-tsew, an account of the life and times of Confucius. Of the Four Books, the first two—Chung-yung, "the Happy Medium," and Taheo, "the Great Doctrine"—were written by Tsze-tsze, the grandson and disciple of Confucius; the third, called the Lunyu, "Book of Discourses," is the production of the different disciples of the sage, who recollected and recorded his words and deeds; while the last of the Four Books was written by Mencius, the disciple of Tsze-tsze, and bears the name of its author. The text of these nine books is equal in bulk to that of the New Testament, and it is not too much to say that, were every copy annihilated to-day, there are a million of people who could restore the whole of it to-morrow from memory.

Among the specimens of ancient poetry from the Shoo-King, the following is an address of the Emperor Chun to his ministers:

Koo, koong Khée tsai. When the chief ministers delight in their duty.

Yuen shyen Khée tsai. The sovereign rises to successful exertion.

Puh koong hee tsai. A multitude of inferior officers ardently co-operating.

To which the ministers responded:

Yuen shyen ning tsai. When the sovereign is wise.

Koò koong lyang tsai. The ministers are faithful to their trust.

Shyu tsé khang tsai. And all things happily succeed.

The four social classes of China were, in former times, the *Tsé*, or learned, who govern and instruct the rest; the *Nung*, the agriculturists who furnish food and material for clothing; the *Kung*, artisan or manufacturer, who clothed, built and furnished houses; and the *Shang*, who distributed and exchanged the pro-

ductions of the other two among all other classes of society. But nothing like a division in *caste* ever appeared in China. On the contrary, every encouragement is held out to the children of the three inferior classes to aspire to the first.

The numbers of the first class or *Tsé*, or officers of the government and literary men, consisting of the members of the several boards, governors of provinces and cities, judges, treasurers, collectors, commissaries, inspectors and the like, with an enormous list of subaltern officers and literati, is estimated at about 500,000.

The salaries of the provincial officers are not high, as will be seen from the following list :

Governor general.....	20, 000 taels, at \$1 50 = \$30, 000	
Lieutenant governor.....	16, 000 .....do.....	24, 000
Treasurer.....	9, 000 .....do.....	13, 500
Provincial judge.....	6, 000 .....do.....	9, 000
Prefect.....	3, 000 .....do.....	4, 500
District magistrates, (according to size of district,) from.....	800 to 2, 000 .....do.....	1, 200 to 3, 000
Literary chancellor.....	3, 000 .....do.....	4, 500
Commander-in-chief.....	4, 000 .....do.....	6, 000
General.....	2, 400 .....do.....	3, 600
Colonel.....	1, 300 .....do.....	1, 950
And other officers down to.....	130 .....do.....	195

The civilians of different ranks are distinguished from each other by their costumes and ornaments.

There are 13 principal departments of government, viz :

1. The *Nuih Koh*, or cabinet, consisting of four principal and two joint assistant chancellors.

2. The *Kuin-Kí Chu*, or general council, probably the most influential body of the government, corresponding to the *ministry* of western nations and composed of princes of the blood, chancellors of the cabinet, president and vice-presidents of the six boards, and chief officers of all the other courts in the capital. The principal executive bodies in the capital under these two councils are the *Luh Pu*, or *six boards*. At the head of each board are two presidents, (*shang-shu*,) and four vice-presidents, (*shilang*,) alternately a Tartar and a Chinese; and over three of them, those of revenue, war, and punishment, are placed superintendents, who are frequently members of the cabinet; sometimes the president of one board is superintendent of another. There are three subordinate grades of officers in each board who may be called directors, under-secretaries, and comptrollers, with a great number of subordinate clerks and their appropriate departments for conducting the details of the general and particular business coming under the cognizance of the board, the whole being arranged and subordinated in the most practical, business-like manner. The detail of all the departments in the general and provincial governments is regulated to the minutest matter in the same style: for instance, each board has a different style of envelope in which to send its despatches, and the papers in the offices are filed away in them.

3. The *Lí Pu*, or board of civil office, has the government and direction of all the various officers in the civil service of the empire, and thereby it assists the Emperor to rule all people, and these duties are further defined as including "whatever appertains to the plans of selecting rank and gradation, to the rules presiding over the verdicts of degradation and promotion, to the ordinances of granting investitures and rewards, and the laws for fixing schedules and furloughs, that the civil service may be supplied." Civilians are presented to the Emperor, and all civil and literary officers distributed throughout the empire by this board.

There are four bureaus in this board. The first attends to the distinctions, precedence, promotion, exchanging, &c., of officers. The second investigates their merits and worthiness to be recorded and advanced, or, *vice versa*, ascertains the character each officer bears, and the manner in which he fulfils his duties and presents his furloughs. The third regulates retirement from office on account of mourning or filial duties to sick parents, and supervises the registration of official names; it is through this bureau that Hwang Ngantung, the governor of Kwangtung, has been degraded for not resigning his office on the death of his mother. The fourth regulates the distribution of titles, patents and posthumous honors.

4. The *Hu Pu*, or board of revenue directs the territorial government of the empire, and keeps the lists of population in order to aid the Emperor in nourishing all people; whatever appertains to the regulations for levying and collecting duties and taxes, to the plans for distributing salaries and allowances, to the rates for receipts and disbursements at the granaries and treasuries, and to the rights for transporting by land and by water, are reported to this board, that sufficient supplies for the country may be provided. Beside these duties it obtains the admeasurement of all lands in the empire, and proportions taxes and conscriptions, regulates the expenditure and ascertains the latitude and longitude of places. One minor office prepares lists of all the Manchoo girls fit to be introduced into the palace for selection as inmates of the imperial harem—a somewhat incongruous duty, unless these girls be regarded as revenue from Manchooria. There are 14 subordinate departments under this board to attend to the receipt of the revenue from each of the 18 provinces, each of which corresponds with the treasury department in its respective province.

The revenue being paid in various ways and articles, as money, grain, manufactures, &c., the receipts and distribution of the various articles require a large number of assistants. This board is moreover a court of appeal on disputes respecting property, and superintends the mint in each province; one bureau is called the “great ministers of the three treasuries,” viz., of metals, silks, dye-stuffs and stationery.

5. The *Li-Pu*, or board of rites, which has also under its control the regulation of the literary examinations, the number of the graduates, the distinction of their classes, the forms of their selection, and the privileges of successful candidates, with the establishment of government schools and academies. A “board of music” is also attached to this department, to cultivate a talent for music among the officials. The Chinese not being endowed with much innate musical genius, take this method of developing it by dint of study and application.

6. The *Ping Pu*, or board of war, which also regulates the navy department. The regulation of the entire army is committed to several departments, and the forces under each are kept distinct.

7. The *Hing Pu*, or board of punishments, partakes in part of the nature of a commercial and civil court of law; its officers usually meet with those of the censorate and Tali Sz', the three forming the San Fah Sz' or three law chambers, which decide on capital cases brought before them.

8. The *Kung Pu*, or board of works. The first bureau attends to city walls, palaces, temples, altars, and other public structures. A second bureau to military stores and utensils for the army, sorts the pearls from the fisheries, regulates weights and measures, furnishes death warrants to governors and generals, and takes charge of arsenals, stores, &c. A third bureau has charge of all water-ways and dikes, repairs and digs canals, erects bridges, oversees the banks of rivers by means of deputies stationed at posts along their course, builds vessels of war, collects tolls, mends roads, digs sewers in Peking and cleans its gutters, preserves ice, makes book-cases for public records, and examine silks sent as taxes. The fourth bureau attends to imperial mausolea,

sepulchres, and tablets of meritorious officers buried at the public expense, the adornment of temples and palaces, and superintending of all workmen employed by the board.

The *mint* is under the direction of two vice-presidents, and the manufacture of gunpowder is specially intrusted to two great ministers.

9. The *Li Fan Yuen*, or court for the government of foreigners, *i. e.*, colonial office, all external foreigners, including the nomadic and settled tribes in Mongolia, Cobdo, Iti, and Koko-nov, as well as all internal and external barbarians, meaning all not Chinese, as well as the unsubdued mountaineers of Kweichau. The officers of the colonial office are all Mantchoos and Mongols, having over them one president and two vice-presidents, Mantchoos, and one Mongolian vice-president, appointed for life. Beside the usual secretaries there are six departments, whose combined powers include every detail of authority necessary for the management of all the various clans and tributary tribes; the Lama hierarchy in Mongolia, and in Thibet; the tributary visits of the Moham-medan beys in the southern circuit of Iti, the regulation of the salaries of Mongolian princes and nobles being all under the control of this department, which endeavors to disfeudalise the internal organization of these tribes by reducing the influence and revenue of the khans and beys, so as to elevate the people to the position of independent owners and cultivators of the soil.

10. The *Tu-chah-yuen*, or censorate, *i. e.*, all-examining court, is intrusted with the care of manners and customs, with the investigation of all public offices within and without the capital, the discrimination between the good and the bad performance of their business, and between the worthlessness and excellence of the officers employed in them, &c., &c.

The censorate when joined with the board of punishment and court of appeal forms a high court for the revision of criminal cases and hearing appeals from the provinces, and in connection with the six boards and the court of representatives and appeal makes one of the *Kiu King* or nine courts, which deliberate on important affairs of government.

11. The *Tung-Ching Sz'*, or court of representation, consists of six officers, and receives memorials from the provincial authorities, and appeals from their judgment by the people, and presents them to the cabinet.

12. The *Ta-li Szé*, or court of judicature, adjusts all the criminal courts in the empire, and forms the nearest approach to a supreme court, though the cases brought before it are mostly criminal.

13. The *Hanlien Yuen*, or imperial academy, is intrusted with the duty of drawing up governmental documents, historical, and other works. Its chief officers take the lead of the various classes, and excite their exertion in advance of learning, *in order to prepare them for employment*, and fit them for attending upon the sovereign. The body may be likened to the selection of learned men to whom the king of Babylon intrusted the education of promising young men, for although the members of the Hanlien Yuen do not to any great degree educate persons, they are constantly referred to, as the Chaldeans were by Belshazzar. Sir John Davis likens it to the *Sorbonne* (of Paris,) inasmuch as it expounds the sacred books of the Chinese. Its chief officers are two presidents, or senior members, who are usually appointed for life, after a long course of study. They attend upon the Emperor in the palace, superintend the studies of graduates, and furnish semi-annual lists of persons to be speakers at the "classical feasts," where the literary essays of his Majesty are translated from and into Mantchoo, and read before him.

Subordinate to the two senior members are four grades of officers, five in each grade, together with an unlimited number of senior graduates, each forming a sort of college, whose duties are to prepare all works published under governmental sanction. These persons are subject from time to time to fresh examination, and are liable to lose their degree or be altogether dismissed from

office, if found faulty or deficient. Subordinate to the Hanlien Yuen is an office, consisting of 22 selected members, who, in rotation, attend on the Emperor and make a record of his words and actions. There is also an additional office for the preparation of national histories.

The situation of a member of the Hanlien is one of considerable honor and literary ease, and scholars look forward to a station in it as one which confers dignity in a government where all officers are appointed according to their literary merit, but much more from its being the body from which the Emperor selects his most responsible officers. A graduate of this rank is most likely to be nominated to a vacant office, though the possession of the title does not of itself entitle him to a place.

The *Kwohtsz Kien*, or national college, is a different institution from the Hanlien Yuen, and intended for teaching graduates of the lower degrees; the departments of study are the Chinese language, the classics and mathematics, &c., &c.

The *Kin Tien Kin*, or imperial astronomical college, seems, from the account given of its duties, to be as much astrological as astronomical.

The highest officers in the provinces are the governor general, (often called viceroy,) who always rules over two provinces or else fills two high offices in one province, and the lieutenant governor. The 18 provinces of China are incorporated into 11 governments, over which are placed eight governors-general and 15 lieutenant governors, besides which there are 19 treasurers, 18 judges, 17 literary chancellors, 15 commanders of the forces, including two admirals, and about 1,700 prefects and district magistrates.

The departments of the provincial civil government are five, viz: administrative, literary, gabel, commissariat, and excise; the first being also divided into the territorial, financial, and the judicial branches. At the head of the first branch is the treasurer; over the second presides the judge of criminal affairs; the literary department is placed under the direction of an officer selected from among the members of the Hanlien academy, called director of learning or literary chancellor. The officers of the excise are appointed whenever necessary, either in the interior or on the coast, and are usually selected from among the members of the imperial household, and are subject merely to the control of the governor general.

The appointment of officers in China being theoretically founded on literary merit, the officers to whom is committed the supervision of students and conferment of degrees are naturally of a high grade. The literary chancellor of the province therefore ranks next to the governor general, more because he is specially appointed by his Majesty, however, and oversees this branch of the government, than from any remarkable degree of power committed to his hands. Under him are head teachers of different degrees of authority, residing in the chief towns of departments and districts, the whole forming a similar series of functionaries to which exists in the civil department. These subordinates have merely a greater or less degree of supervision over the labor of students and the colleges established for the promotion of learning in the chief towns of departments. The business of conferring the lower degrees appertains exclusively to the chancellor, who makes an annual circuit through the province for that purpose, and holds examinations in the chief town of each department of all the students residing within its limits.

The number and rank of the officers connected with the salt monopoly (the gabel or salt department) show the importance attached by the supreme government to this trade.

The commissariat department is unusually large in China, as compared with other countries, for the plan of collecting any part of the revenue in kind necessarily requires numerous vehicles for transporting, and buildings for storing it, which still further multiplies the number of clerks and hands employed.

That feature of the Chinese civil-service system which makes officers mutually responsible seems to lead the superior officers to confer such various duties upon one functionary, in order that he may thus have a general knowledge of what is going about or under him, and report irregularities.

This system seems in no little degree to accomplish the designs of the present rulers to bind the main and lesser wheels of the huge machine to themselves and to one another in a very strong manner.

In order to enable the superior officers to exercise greater vigilance over their inferiors, they have the privilege of sending special messengers, invested with full power, to every part of their jurisdiction. The Emperor himself never visits the provinces judicially, but he constantly sends commissioners or legates to all parts of the empire, ostensibly intrusted with the management of a particular business, but required also to take a general surveillance of what is going on. The ancient Persians had a similar system of commissioners, who were called the eyes and ears of the prince, and made the circuit of the empire to oversee all that was done. There are many points of resemblance between the structure of these two ancient monarchies; but the Persians had not the elements of perpetuity which the system of common schools and official examination give to the Chinese government. Governors, in like manner, send their deputies and agents over the province; and even the prefects and intendants despatch their messengers. All these functionaries, during the time of their mission, take rank with the highest officers according to the quality of their employers; but the imperial commissioners, who for one object or another are constantly passing and repassing through the empire in every direction, exercise great influence in the government, and are powerful agents in the hands of the Emperor for keeping his pro-consuls at their duty.

In addition to the division of power, and the checks upon Chinese officers already mentioned, there are other means adopted to prevent combination and resistance against the head of the state. One of them is the law forbidding a man to hold office in his native province, which, beside stopping all intrigue where it would best succeed, has the further effect of congregating all aspirants for office at Peking, where they come in hope of obtaining some post or succeeding in the examination of literary degrees. The central government could not contrive a better plan for bringing all the ambitious and talented men in the country under its observation before appointing them to clerkships in the capital or scattering them over the provinces.

Moreover, no officer is allowed to marry in the jurisdiction under his control, nor own land in it, nor have a son, or brother, or near relative holding office under him; and he is seldom continued in the same station or province for more than three or four years.

Beside a system of assiduous espionage, there is a triennial catalogue made out of the merits and demerits of all the officers in the empire, which is submitted to imperial inspection by the board of civil office. In order to collect the details for this catalogue, it is incumbent upon every provincial officer to report upon the character and qualifications of all under him, and the list, when made out, is forwarded by the governor to the capital. The points of character are arranged under six different heads, viz: the undiligent, the inefficient, the superficial, the untalented, the superannuated and the diseased. According to the opinion given in this report, officers are elevated or degraded so many steps in the scale of merit, and whenever they issue an edict are required to state how many times they have been advanced or degraded, and how many times recorded. Officers are required to accuse themselves, when guilty of crime, either in their own conduct or that of their subordinates, and request punishment. Punishment for high crimes fully proven to have been committed by officers is death, either inflicted by the executioner or inflicted by the delinquent upon himself, this latter mode of compulsory suicide being deemed less degrad-

ing, rope being generally delicately furnished for that purpose to the culprit, with the intimation that he may hang himself, failing to do which he is decapitated.

The names and standing of all officers are published quarterly, by permission of government, in the Red Book. In this book the native province of each person is mentioned as well as his nationality, and further describes the title of the office, its salary and considerable other general information.

The following is a tabular view of the offices, boards, tribunals, courts and departments, arranged according to the Chinese statistics :

1. Six titular guardians of the monarch, ditto of the heir apparent. They do not constitute a court, but are great ministers, premiers, and governors general.

2. Board of the imperial family : 1 president, 2 vice-presidents, 2 assessors, 2 assistants, 4 managers, 2 directors of affairs, 2 secretaries, 2 directors of the halls, 2 ditto Chinese directors, 24 clerks.

3. The cabinet : 4 premiers, 2 deputies, 10 assistants, 8 recorders, 16 assistants, 4 registrars, 124 notaries, 46 ditto assistants, 6 ditto of the herald's office, 10 clerks.

4. Priyy council : number of ministers not determined.

Chamber for abridging memorials : 4 arrangers, 4 receivers, and 9 preparers of the extracts.

Translator's office : 2 arrangers, 4 receivers, 4 recorders, 40 translators.

Executive chamber : 2 directors, 6 superintendents, 12 clerks.

Herald's office : 2 examiners of heraldry, (assistant ministers of the cabinet,) 5 secretaries and notaries.

5. Board of officers : 2 presidents, 4 vice-presidents, 13 ditto deputies, 16 ditto assisants, 11 directors, 5 ditto of the hall or office, 2 controllers, 71 clerks.

6. Board of revenues : 2 presidents, 4 vice-presidents, 13 ditto deputies, 53 ditto assistants, 29 directors, 6 ditto of the office, 119 clerks, 2 superintendents of the granaries of the capital, 2 ditto of the mint, 5 chief servants.

Officers of the three treasuries : 3 deputy presidents, 6 ditto assistants, 1 director of the office, 5 comptrollers, 4 chief servants, 15 clerks.

Officers of the Peking granaries : 2 grand inspectors, 28 superintendents, 2 ditto of the thoroughfares or passages, 4 clerks.

7. Board of rites : 2 presidents, 4 vice-presidents, 11 deputies, 13 assistants, 9 directors, 4 ditto of the office, 2 comptrollers, 38 clerks.

Office for casting money : 1 assistant president, 1 chief servant, 1 clerk.

Translator's office : Deputy president, 1 shaon king, 1 chief servant, 12 Korean translators, 2 superintendents of horses belonging to this board.

Officers of the board of music, forming a subordinate department of the preceding : 2 masters of the band, 2 ditto deputies, 30 musicians.

8. Board of war : 2 presidents, 4 vice-presidents, 18 deputies, 16 assistants, 11 directors, 5 ditto of the office, 2 comptrollers, 78 clerks, 1 superintendent of horses.

9. Board of punishments : 1 superintendent, 2 presidents, 4 vice-presidents, 46 ditto deputies, 44 ditto assistants, 26 directors, 6 ditto of the office, 2 comptrollers, 114 clerks, 1 treasurer of the fines, 2 prison keepers, 8 jailers.

10. Board of public works : 1 superintendent, 2 presidents, 4 vice-presidents, 22 deputies, 24 assistants, 21 directors, 4 ditto of the office, 2 comptrollers, 86 clerks, 1 assistant president of the reserve treasury, 2 treasurers, 2 clerks, 11 chief servants of the treasury.

Treasury of workmanship : 3 deputy presidents, 2 treasurers, 2 overseers, 7 clerks, 22 servants of the treasury, 2 superintendents of the mint, 2 superintendents of the glass manufactures, 2 ditto of the wards, 2 ditto of coal miners.

11. Foreign office : 1 president, 2 vice-presidents, 11 ditto deputies, 36 ditto assistants, 9 directors, 6 ditto of the office, 2 comptrollers, 97 clerks, 2 treasurers,

1 comptroller of the treasure, 2 clerks, 1 assistant president of the chamber of translation, 1 director, 2 Mongol teachers, 4 clerks, 2 superintendents of the buildings, 16 assistant presidents over the affairs of the nomades, 6 officers of miscellaneous nature.

12. Censorate : 2 censors, 4 deputies, 15 provincial censors, 2 secretaries, 2 general managers, 42 clerks.

Auditors of siz-board : 2 chiefs, 2 ditto second, 8 clerks, 2 inspectors of the five cities, 5 reporters of the five cities, 5 attendants.

13. Imperial household establishment : 1 steward general, 1 deputy president, 59 assistant presidents, 12 directors, 5 overseers, 30 stewards of the interior palace, 30 ditto deputies, 12 treasurers, 20 overseers, 17 masters of ceremony, 298 clerks.

Officers of the arsenal : 2 kings, 1 deputy president, 8 ditto assistants, 2 directors, 28 clerks, 8 treasurers, 3 superintendents of the storehouses, 3 ditto of bows, 3 ditto of arrows, 3 ditto of tents, 3 ditto of workmen.

Officers of the imperial stud : 2 kings, 1 deputy president, 6 assistants, 2 directors, 2 ditto of the office, 25 clerks, 17 grooms, 11 herdsman overseers, 30 ditto of the Ling-ho district.

Officers of the imperial parks : 2 kings, 6 deputy presidents, 8 assistants, 3 directors, 32 park-keepers, 39 deputies, 2 treasurers, 59 clerks.

14. Court of requests : 1 master of requests, 1 ditto deputy, 2 counsellors, 2 secretaries, 10 clerks.

15. Court of justice : 2 kings, 2 shaon kings, 3 assessors, 2 pleaders, 1 ditto of the court, 2 comptrollers, 6 clerks.

16. National college : 2 presidents, 6 ditto deputies, 6 ditto assistants, 2 recorders, 2 candidates, 44 clerks, &c., &c.

Historiographical offices : 20 historians, 5 directors, 16 clerks.

Courts of memorials : 1 president, 2 deputies, 2 registrars, 6 clerks, 9 officers of various denominations.

17. Sacrificial establishment : 2 kings, 2 shaon kings, 3 assessors, 2 recorders, 2 scholars, 1 treasurer, 1 superintendent of the sacrificial cattle.

18. Banqueting establishment : 29 persons employed.

19. Board of the imperial studs : 29 persons employed.

20. Court of etiquette : 32 persons employed.

21. National institute : 56 persons employed, (including 27 teachers, 2 eminent scholars, 2 teachers of the Russian school, and 1 mathematical teacher.)

22. Astronomical board : 98 persons employed, (including 5 astrologers, 32 eminent scholars, and 48 students of astronomy.)

23. Medical board : 1 principal, 2 deputies, 15 imperial physicians, 30 attendants.

24. Travelling establishment : 1 director, 1 secretary, 10 clerks.

25. Board of the praetorian band : 40 persons employed.

26. Office of the principal king : 15 persons employed ; office of the secondary king, 13 persons employed.

27. Clergymen of the establishment : 24 priests of the altars of Heaven, earth, and the imperial tombs and the temple of the manes, 3 officiating priests at the sacrifices, and 3 assistants, &c., &c., &c. Priests of the tombs of departed sages are officers who are either lineal descendants of Confucius or eminent scholars. In the temple of Confucius there officiate 2 mandarins of 1st class, 4 of 4th class, 6 of 5th class, 1 of 6th class, 8 of 7th class, 10 of 8th class.

The whole number of clergymen who read mass, recite prayers, and burn tapers is 132, exclusive of the officers of the board of rites and of the household establishment. The priests themselves are regularly graduated mandarins, and eligible to any civil office which happens to become vacant. They are, in fact, civilians, only serving for a time in the temple, but for the time being real clergymen of the national ritual.

The supreme government allows to the grandees of the provinces and in the frontier towns a certain number of clerks and private secretaries, who may be considered as "confidential spies." They amount to about 100. The whole number of civilians is about 13,000, 4,000 of whom belong to the supreme tribunals.

Though merit is the theoretical test of qualification, the students of the national institute, the members of collateral imperial descendant, and noblemen generally are, to some extent, privileged and precede the literati, who have no patronage. The sons of Mantchoo officers, the privates of the praetorian band, have a right to be promoted to civil offices, and the attendants, clerks, and translators of the court are equally advanced to official positions. The eminent minister Sung was a mere translator, and many other foremost men have thus risen from the ranks, frequently from the privates of the praetorian band or body-guard of the Emperor.

But even in all these cases, where favoritism is the first prompter of the appointment, examination among the candidates is indispensable, so that the principle of intellectual qualification preponderates, on the whole, over all other considerations.

The mandarins are watched with Argus eyes and the ears of Dionysius ; an account of their merits and demerits is rigorously kept, and the examination of these merits and demerits is instituted every three years by the chamber of investigation.

In the provinces the governors and lieutenant governors examine into the conduct of officers personally. A select committee of great ministers and kings is at the same time established at the capital, where delinquent officials are summoned to appear. Their punishment is either dismissal, degradation, fine, or the bastinado. The vices which incapacitate mandarins from holding office are avarice, cruelty, remissness, idleness, disrespectfulness, levity, and general incapacity. Old age and incurable disease are also regarded as incapacitating "vices ;" but the charge must be proven, and the accused has a right to defend himself.

Many refractory officers are transported to the banks of the Amoor, or the table land of Ele, to drag boats or become slaves to the soldiery. They are treated outrageously, and, like common convicts, are condemned to pine away their lives in those dreary regions. Meritorious actions are, on the other hand rewarded, not, however, as a matter of due, but as a special favor. The first vacancy which occurs in the scale of promotion is generally conferred upon the officer thus distinguished, who is also introduced into the imperial presence. The Emperor himself sends now and then a haunch of venison to a meritorious officer, or presents him with some tobacco pouches and other articles. His name is at the same time mentioned in the public gazette, and his merits are elaborately stated. An aged servant on retiring often obtains the favor of seeing his son promoted and his ancestors ennobled. The chamber of patents recommend meritorious officers for obtaining the rank of noblemen, and grants the necessary patent.

The chamber of records keeps an accurate and regular account of all the officers in the employ of the government, and publishes four times every year a list of all the civil and military functionaries, which is sent to the different functionaries. A mandarin asking leave of absence applies to this chamber. If one of his parents or relatives has died, he is obliged to retire from office and mourn their loss. Those neglectful of this duty are regarded as monsters. Even those who wish to return home and nurse their aged parents are honorably relieved from their duties for a certain time. But all must return at a stipulated period, at the risk of incurring fines or degradation.

THE TREASURY DEPARTMENTS AND REVENUE SERVICE.

There exist three distinct treasuries in China, namely, the imperial, the national, and the provincial. The first is hoarded up in the palace, and exceeds in riches and valuables any similar deposit in the world. The Emperor is the sole owner of this wealth and is responsible to none. The national treasury is under the special control of the board of revenue, while each province has its private treasury. There are, moreover, small funds in the possession of the different departments, all of which are under the control of the board of revenue, (Hoo-poo.)

The general control is in the hands of two presidents and four vice-presidents. The court itself is divided into 14 chambers, each having the superintendence over one or two provinces. This branch of the administration suffers from frauds and defalcations. The 14 chambers have each their respective jurisdiction, which comprise either one or two provinces. Each of these departments has its agents in the provinces, and the means of ascertaining whether the provincial accounts they receive are correct or not.

The treasure itself is under the immediate control of a great minister, a Mantchoo and a friend of the monarch. It contains three deposits; one treasure of silver, one of cotton and silk piece goods, and another of sundries, such as metals, wax, stationery, &c., and all such articles as are sent from the provinces as tribute. Attached to this office which comprises several deputy presidents and assistants, are a superintendent of the mint and for the manufacture of coin. A committee, consisting of two vice-presidents and other officers, examines into the annual receipts and expenditures, the provisions for the military, the transport of grain, and the state of the granaries. This court is again subdivided into four smaller departments; the first attends to the receipt of money and rice and the time of their delivery, the second to the transportation of the revenue, the third to the expenditure, and the fourth to the supplies furnished to the public servants and illustrious foreigners during their abode at the court.

The treasurer's department in the provinces stands in immediate connection with this board. This functionary is next in rank to the lieutenant governor, and has under him a number of inferior officers for the collection of revenue.

The lands of the peasantry are all rated, the longitude and latitude of the principal places determined, and a careful census of both the Chinese and Mantchoo population taken.

As the boards punish mandarins for embezzlements so it rewards officers who encourage the people to clear new lands and carry agriculture to the highest perfection. Parsimony is much recommended, since the population is rapidly increasing, and soon there will not be sufficient land to produce grain for so many millions of mouths.

For the collection of taxes every village is divided into five and ten families, and the grain is either received at the public offices or gathered by revenue servants.

This board also watches over the weights and measures. For all articles deposited in the treasury the high officers of the board are responsible.

The census of the Chinese is taken every tenth month by the governors and lieutenant governors. To effect it, a constable is appointed over 10 and a bailiff over 100 families. The constable always keeps a register of all the males, and hands the same to the magistrate, who again forwards it to the district magistrate, until the whole census arrives at the governor's office, and is from this forwarded to Peking. This mode of enumerating the population is correct in principle but is carried out with great carelessness.

The revenue some thirty years ago was as follows, in round figures :

Land tax in money.....	54, 000, 000
Land tax in kind, value at.....	113, 000, 000
Salt tax.....	8, 000, 000
Duties on merchandise.....	4, 500, 000
Duties on foreign at Canton, value at.....	3, 000, 000
Duties upon shops and pawnbrokers.....	5, 000, 000
Sundries.....	4, 500, 000
Taels.....	192, 000, 000

Equivalent to about \$286,000,000 (in gold at \$1 40 the tael gold.)

The expenditures generally exceed the revenue, and the deficit is made up by new taxes and patriotic subscriptions.

Salaries to government officers vary from 250 to 15,000 taels (\$350 to \$21,000 gold) in cash or kind ; besides which a certain sum of money, varying from 20 to 500 taels (\$28 to \$700 gold,) is paid as pocket money to the persons who are appointed to the civil or military service.

The military power in China is entirely at the command of civilians. The authority of military officers is so much abridged by slender pay and the absence of all prerogatives, that they are at the mercy of every literary mandarin.

The general control of the army is under the Ta-chin, or great minister. The governors and lieutenant governors, though generally civilians, are nevertheless intrusted with military command and often take the head of a whole army.

In China, it is taken for granted that whoever can rule a province, can also command an army. Lest, however, the governors should presume on their power, the government has given them, in the Tartar generals and Chinese commanders in-chief, coadjutors by whom their actions are regulated.

The law permits every private to rise to the highest honors. Whoever is deserving promotion may rise to the rank of general. Many officers have thus risen from the ranks, and in all respects, except archery, are very ignorant. With the exception of a peacock's feather to be worn in the cap, the Emperor does not grant any order. Whoever signalizes himself in battle, receives a pecuniary reward ; and whoever falls in defence of his country has his name inscribed on the list of promotion in Hades.

The more impartial laws regarding the public officers are contained in the Book of Statutes. Responsibility and a commensurate punishment do not fall so heavily upon those who are of low estate as upon the highest functionaries.

APPENDIX G.

THE CIVIL SERVICE OF PRUSSIA.

The civil service of Prussia is indebted for its world-renowned efficiency and purity—

Firstly. To the common law of Prussia, which contains the provision that "*nobody shall be appointed to a public office unless he possesses the competent qualifications and has produced evidence of his fitness.*"

Secondly. To the universities, colleges, gymnasia, and schools of Prussia, from the graduates of which the bulk of the civil service employés are recruited.

Thirdly. To the stringent systems of examinations regulating the graduation of the students at these institutions, preliminary to the system of examinations enforced in the various branches of the administration.

Fourthly. To the measures taken for the enforcement of integrity and good behavior, and the prevention of frauds and negligence by imposing a severe oath of office in addition to securities to be furnished in cash by the greater number of civil-service officers, particularly by those employed in the financial, revenue, customs, and post office departments.

Fifthly. To the spirit of discipline peculiar to a military monarchy like Prussia, and pervading not only the military service, but all branches of public life.

Sixthly. To the superior moral and mental culture of the German people, which causes most holders of office to live within their means, however small they may be, and to make continuous exertions for the improvement of their capacities and opportunities.

Seventhly. To the measures taken by the government for promoting the worthy officers, for continuing to pay part of their salary to those who are temporarily out of employ, and finally for allowing a pension to those that are obliged to retire from ill health or old age.

Eighthly. To the comparative absence of restlessness of persons who live under military monarchies, and to their tendency of being contented to fill during a whole lifetime the positions, however unremunerative or painstaking, for which they happen to have been educated and to have secured from their earliest age.

Ninthly. To the impartiality of the appointing power, and to the general conviction that appointments are, on the whole, regulated upon consideration of the merit of the applicants, unbiased by political prejudices or by nepotism.

Tenthly. To the almost total absence of fraud in the Prussian service since its establishment, and to the care taken in combining economy with efficiency, integrity with competency.

	Persons.
*The forces of the Prussian administration, exclusive of the provincial administration, comprises in the ministry of state and foreign affairs, about	110
Ministry of finance	260
Ministry of religion, education, and sanitary affairs	400
Ministry of commerce, industry, and public works	400
Ministry of interior	425
Ministry of justice	135
Ministry of war	165
Ministry of marine	90
Ministry of agriculture	15

About 2, 000 persons all told, but not including the vast numbers of professors, teachers, and employes in universities, colleges, military academies, agricultural, forest, mining, scientific, and civil service training schools and other similar institutions under the control of the national government.

The paper annexed, and marked "Forces of the civil service," contains a detailed statement of the above-mentioned persons employed in the departments of the Prussian government in the capital, the slight discrepancy of numbers being accounted for by the adoption of round numbers in the above statement.

The public service of Prussia being open to all classes of the population, every Prussian subject may become a supernumerary, or, in other words, enter the service upon probation, under conditions and regulations which are stated in the annexed paper marked "supernumeraries."

The subordinate branches of the administration are chiefly recruited from the ranks of these supernumeraries.

* These forces do not comprise the increase in the number of public officers, probably appointed lately, consequent upon the recent additions of North German territory to the Prussian government.

The higher branches of the home civil service are selected from referendaries who have passed their examination as assessors. See "referendaries."

The diplomatic service is recruited from referendaries who have passed their examination as secretary of legation.

The consular service is, according to a new act, to be recruited in future from referendaries who have passed their examination as chancellors of consulates.

The paper marked "on the appointment of civil officers in Prussia" contains the general laws and regulations relating thereto.

A stringent scrutiny of the competency and fitness of the candidates constitutes the most salient characteristic of the Prussian service, at the same time that rigorous measures are taken for the enforcement of integrity and good behavior, and the prevention of fraud and blunders, by exacting bonds from all the employés, as guarantees to that effect.

A paper marked "guarantees in the Prussian service against fraud," contains a statement of the regulations on this subject.

A paper marked "direct petitions to the King for subordinate offices," relates to the circumstances under which such petitions are entertained by the King.

A paper marked "examination of treasury clerks," gives a special account of this sort of examination.

A paper marked "probatory service of military men in the civil service," relates to the qualifications demanded of military men who are entitled to have a preference over civilians in the civil service.

A paper marked "land office," relates to the qualifications and examinations in that branch of the civil service.

A paper marked "post office," relates to the most numerous branch of that service, namely, the despatch clerks; and annexed thereto is a brief explanation of the railway service.

FORCES OF THE PRUSSIAN ADMINISTRATION.

A.

The council of state, composed of the royal princes who have attained their eighteenth year, and of public functionaries who are members of it ex officio as the members of the cabinet, and many principal military, judicial, ecclesiastical, civil, and diplomatic officers of the state, including the historiographer of the Prussian state, the celebrated historian, Ranke.

The council of state is divided into the following six departments:

1. For foreign affairs.
2. For military affairs.
3. For the judiciary.
4. For finance, commerce, and industry.
5. For home affairs.
6. For religion and education.

Adjoined to the council of state is a tribunal to decide on contests which may arise in regard to the credentials of the members nominated.

B.

The ministry of state, consisting:

1. President, (Premier) who is at the same time minister of foreign affairs.
2. Minister of finance.
3. Minister of war and marine.
4. Minister of commerce, industry, and public works.
5. Minister of ecclesiastical, educational, and sanitary affairs.
6. Minister of justice.
7. Minister of agriculture.
8. Minister of the interior.

The following officers are employed in the ministry of state, besides two councillors and two clerks : *

In the secretariat.....	2
Secret registry and journal.....	4
Secret chancellory.....	1

The following officers are under the official control of the ministry of state :

1. The disciplinary tribunal for not judicial officers—president, 10 members, one clerk, and two bureau members.....	14
2. The chief examination commission—president and four members.....	5
3. The literary bureau of the ministry of state—director and one secretary.....	2
4. The institute of the Prussian State Advertiser—director.....	1
5. The preparation of the collection of laws—two members.....	2
6. The secret principal court printing office—one.....	1

Under the official control of the ministry of state are :

1. The general commission for affairs relating to royal orders—president, and five members and five officials.....	11
2. The order for merit for sciences and arts—Cornelius, the painter, chancellor ; and Boeckh, the Hellenist, vice-chancellor.....	2
3. The state archives with a director, and consisting of the secret state archives, with three members, and the provincial archives, representing seven provinces, with a director and eight archivists.....	13
	62

The ministry of foreign affairs, vested in the minister of state, consists :

The minister himself.....	1
An under-secretary of state.....	1
A director of division.....	1
Seven active councillors.....	7
One honorary councillor.....	1
Four clerks.....	4
Nine councillors in the secretariat.....	9
Three councillors in the central and despatch bureau.....	3
Seven councillors in the cipher bureau.....	7
Four councillors in the secret registry and journal.....	4
Two councillors in the secret chancellory.....	2
Two councillors in the pay department of the legation.....	2
	42

Under the official control of the minister of foreign affairs are the commissioners of examination for the qualification of diplomatic officers, consisting of a president (the under-secretary of state) and of two members who are professors and members of the judiciary.

The diplomatic and consular agents of Prussia are, of course, also under the official control of the minister of foreign affairs, while the foreign ministers and consuls representing foreign powers in Prussia obtain through him their exequaturs.

C.

The ministry of finance consists, besides its own office, of:

1. The principal stamp office.....	2
2. The administrator of stamp tax and of stamps on inheritances for the city of Berlin.....	1
3. Stamp-tax bureau for Potsdam, exclusive of Berlin.....	1

4. Principal tax bureau for indigenous articles in Berlin, including stamps on bills of exchange.....	5
5. Principal tax bureau for foreign articles in Berlin.....	4
6. Principal tax bureau for direct taxes.....	3
7. Commission of valuation for the classification of revenue tax.....	1
8. Delegates of the states of the custom's association near the custom-house—one at Munich, one at Dresden, one at Hanover, one at Carlsruhe, one at Cassel, Wiesbaden and Frankfort, one at Thuringia.....	6
9. General direction of lotteries.....	10
10. Mint.....	15
11. General direction of the general widow's asylum.....	6
12. Secret ministerial archives.....	2
13. Administration of the superior forest academy at Neustadt-Eberswulde.....	7
14. Maritime association (Seehandlung).....	17
15. Loan office.....	14
16. Principal administration of the public debt.....	27
17. Printing offices of the government.....	3
18. Commission of the public debt at Berlin.....	7
	131

The minister's office is divided as follows :

1. Division for the administration of taxes—1 director, 8 councillors, 1 assessor.....	10
2. Division for the civil list and for the treasury—1 director, 5 councillors, 1 assessor.....	7
3. Division for domains and forests—2 directors, 10 councillors, 2 assessors.....	14
4. Division for ground tax—1 director, 4 councillors, 2 assessors.....	7
	38
Minister himself.....	1
Secret secretaries and accountants in minister's office.....	2
Secret secretaries, administration of taxes.....	20
Secret secretaries, civil list and treasury.....	11
Secret secretaries, domains and forests.....	14
Secret secretaries, ground tax.....	2
Secret registers, administration of taxes.....	11
Secret registers, civil list and treasury.....	5
Secret registers, domains and forests.....	7
President of chamber of charts.....	1
Director secret chancellory.....	1
Treasurer's office—1 treasurer, 1 chief clerk, (bookkeeper,) 6 clerks, (bookkeepers,) 2 cashiers, 1 bookkeeper of state treasury.....	11
Chief bookkeeping office—1 director, 5 bookkeepers.....	6
Total force in the office of the minister.....	130
Total force in the offices under his official control.....	131
Grand total.....	261

D.—*The Ministry of Religion, Education, and Sanitary Affairs.*

This ministry has the following offices under its official control :

1. Commission for the establishment and preservation of monuments of art.
2. Scientific deputation of sanitary affairs.

3. Directorium Montis Pietatis, (pawnbrokers' establishments.)
 4. Cathedral of Berlin.
 5. Institution at Berlin for the candidates to the pulpit of the cathedral.
 6. Academy of sciences at Berlin.
 7. Academy of fine arts at Berlin and the art and mining academies in the provinces.
 8. Academy of fine arts at Königsberg.
 9. Academy of fine arts at Düsseldorf.
 10. Museums in Berlin.
 11. Scientific institutions in Berlin.
 12. Universities, &c.
 13. Preacher's seminaries in Wittenberg.
 14. Seminary for learned schools, Berlin.
 15. Seminary for learned schools, Breslau.
 16. Seminary for learned schools, Königsberg.
 17. Seminary for learned schools, (burghers,) and higher classes, Stettin.
 18. Medical cure institutions of charité, Berlin.
 19. Veterinary academy, Berlin.
 20. Association for the advancement of practical knowledge, (Sachverständige Vereine.)
 21. Examination commissioners for physicians and apothecaries.
 22. Commission of court apothecaries.
- Total force about 400, exclusive of the universities.

E.—*The Ministry for Commerce, Industry, and Public Works.*

Central bureau, (inclusive of minister)	4
General post office department, (inclusive of director)	41
Telegraph directories.....do.....	107
Chief post offices, (Berlin).....do.....	12
Railway department	} 225
Land, water, and high road administrator do.....	
Commerce and industry	
Total force	389

F.—*The Ministry of the Interior.*

Minister's bureau, inclusive of minister and under secretary.....	43
Statistical bureau, inclusive of director.....	9
Meteorological institute, (Dr. Dove).....	1
Police service, inclusive of chief of police.....	74
Miscellaneous, chiefly administrations of the estates of nobility, &c., about	300
Total force	427

G.—*Ministry of Justice.*

Minister's office, inclusive of minister and under secretary.....	36
Tribunes	53
Attorney General's office	32
Examining commission for judicial offices.....	11
Total force	132

H.—*War Ministry.*

Minister and adjutant	2
Central bureau	11
General war department	15
Artillery division	11
Engineer's division	11
Personal affairs	11
Military economy	55
Corollary offices, (remonte)	15
General auditor's office	8
General pay office	17
Examining office	7
Force, (exclusive of military academic administration, employing several hundred teachers, professors, directors, &c., and exclusive of military intendanture, and depots of provisions, &c., &c, lazarettoes, &c., &c.)	163

I.—*Ministry of Agriculture.*

Minister's office, (exclusive of agricultural colleges, and employing hundreds of persons)	10
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K.—*Marine Department.*

Minister's office	23
Examining of cadets	12
Marine administration and college forces at Dantzic, Stralsund, Berlin, Oldenburg, &c., about	50
Total, about	85

All this exclusive of provincial administration bureaus, and of course of the army, the navy, and police forces.

SUPERNUMERARIES IN THE CIVIL SERVICE OF PRUSSIA.

1. Academical studies or various evidences of intellectual qualification are required for all offices of the Prussian government.

2. The central government and the provincial authorities have the power to establish schools for the training and employment of a certain number of supernumeraries for various branches of the civil service, relieved military men having the precedence for the subordinate offices of the second class.

3. The candidates for admission to the post of supernumerary must have fulfilled their military duties; they must produce evidence that they are able to support themselves for three years by their own means or with the assistance of their relatives, and they must have attended a gymnasium or a higher burgher's school, and produce a certificate from the first class of such institution testifying to their attainments and their moral character. These conditions are, however, dispensed with if the candidate shall have already been for several years in some public employment, and be able to give satisfactory evidence of his practical capacities. Those who are admitted as supernumeraries do not, however, receive thereby a claim to immediate official appointments.

They are, on the contrary, liable to be dismissed from the colleges and the offices in which they serve as supernumeraries, and can only depend upon a permanent admission to the civil service if they show a particular aptitude for

its functions and if their conduct is in every way unobjectionable. Candidates for supernumeraryships in the revenue service must have successfully attended for at least one year the first class of a gymnasium, or have left one of the higher schools with a satisfactory certificate, or pass through an examination by the president of one of these institutions, testifying that they possess the attainments which are acquired after one year's study in the first class. They must further produce testimonials of a fair industry, good conduct, and good capacities; write a fine, legible hand, and be skilful accountants; they must have fulfilled their military duties in a satisfactory manner, possess a strong constitution, capable to bear fatigue, and possess the means of supporting themselves by their own means, without receiving any payment from the state, for at least three years, and in some cases for a longer period. Candidates who could not fulfil their military duties from feebleness of constitution or ill health, and who are yet strong enough for the civil service, may be admitted, though they will be called upon to serve in the army in the event of their health subsequently permitting it. Irrespective of the school testimonials and other requisite certificates, the examiners have to ascertain whether the candidates are persons of good address, of quick understanding, and of innate intelligence. This is ascertained by entering into conversation with them on various subjects, by calling upon them to write out without preparation their views upon any given subject, and to let them solve several mathematical and arithmetical problems.

The commission entitling the candidate to a post as supernumerary in the revenue service is preceded by a provision to the effect that in the event of a want of talent and progress, of insubordination and objectionable conduct, he will be liable to be dismissed forthwith.

The supernumeraries have to apply themselves to the study of laws and regulations in such a manner that gradually they may become conversant with the various branches of the service. To this effect they also have to serve successively in one of the frontier custom-houses and in one of the more extensive revenue offices. Those who show special talents for the civil service are provisionally to be employed in the provincial revenue offices, and only after having worked as assistants and in other similar capacities in such offices are they to be invested with permanent posts in the government departments. For some time they must also have first acted in the place of disabled or suspended officials, so as to familiarize themselves with the practical requirements of the respective offices.

The supernumerary, after one year of service, is either employed in the inspectors' service or in the bureaus. In the event of an altogether unfavorable report of his qualifications, he is then dismissed. If he is deemed fit to be employed in the bureau of the provincial revenue service, he receives a salary without the necessity of undergoing a further examination; but if his superior officers have not acquired a sufficient proof of his qualifications, another examination takes place, the result of which must establish the fact how far he is competent to fill the post of an assistant and to be promoted to the post of a chief comptroller. In case of an unsuccessful examination he cannot even receive a post as inspector.

The examination is conducted by one of the councillors of the provincial counsellors and by a treasury official, both verbally and by writing, the latter by the preparation of some work as it occurs in the regular course of business in the various branches of the revenue service.

Although supernumeraries must possess the means of serving for three years without remuneration, it does not follow that they are debarred from receiving a payment of their services, either by a salary or by fees, if the same should be offered to them by the chief of the office in which they are employed.

REFERENDARIES.

Admission to the higher administrative branches of the government is granted only to referendaries who passed their examination before the supreme court, or obtain from this court a certificate of qualification. They are further subjected to an oral examination conducted by three commissioners, the president of the government acting as chairman.

This examination relates to the political sciences, the leading principles of the national economy, financial science and matters relating to administrative sciences and to the general knowledge of all the auxiliary branches of political, international, and public-revenue science, particularly agricultural science.

The certificate of the commissioners relating to the result of such examination must specify the subjects to which it referred, as well as the extent of knowledge and judgment of the candidate, with a report of his general scientific culture.

The result of the examination is decided by a majority of votes of the commissioners, and the decision is conveyed in the following sentences: Either, the candidate passed the examination, (to which may be added, if expedient, "with distinction,") or, the candidate has not passed the examination. In the latter case he may pass a second examination, but not later than six months from the period of his first examination, the second examination being final.

The candidate who passed his examination is admitted as government referendary and may be assigned to one or the other public office, but is only eligible to the highest office after having passed an examination before the supreme board of examination, or having received a certificate from the president of the government under whom he passed his previous examination, testifying to his qualifications as equivalent with those requisite by the supreme board.

The examination before the supreme board of examination is both oral and by writing, and conducted as follows: The candidate is called upon to furnish, within one year from the period of examination, disquisitions on stated subjects relating to the services of the statesman, to administrative and to financial affairs, the last two subjects to be treated rather from a practical than a theoretical point of view. At least one of these disquisitions must be in the candidates own handwriting, and in regard to all of them he is bound to declare under oath that he prepared them himself and without any assistance excepting that which he found in the study of books. The board may select the theme for the disquisitions from transactions that have actually occurred in the public service, and may also call upon the various branches of the government to submit appropriate themes. The candidate is also permitted to submit any disquisition on administrative and financial subjects which he may have prepared for a branch of the service in which he was previously occupied.

On receipt of the disquisition, the board proceeds to consider the degree of knowledge, and of scientific power, of vigor and precision of judgment, of general ability, of clearness, cogency, and fluency and elegance of expression which the candidate brought to bear upon their elaboration, and if the board decides in his favor by a majority of votes the candidate is admitted to the oral examination within a period stipulated by the board, previous to which, however, all the evidences of qualification, as acquired in his previous occupations and examinations, must have been submitted to all the members of the board.

For the oral examination, the candidate must show himself competent to give a satisfactory account relating to all questions that may bear upon the duties of the branch of the service to which he aspires. It is not sufficient that he masters the theories of the requisite knowledge, but his whole individuality, his bearing, his manners, his natural ability, the extent of his judgment and practical skill, as well as the thoroughness and depth of his power in grappling with the scientific knowledge which he has acquired, are scrutinized with the utmost rigor.

He must further deliver before the board a speech on a stated theme which is selected on the day preceding the examination, and that may consist of one of his own written disquisitions, for the purpose of testing his power of expressing his views with terseness, clearness, thoroughness and logical power.

The number of candidates to be admitted to the same examination is not to exceed three.

The successful candidate is immediately appointed as *government assessor*; and if he gives satisfaction in this official capacity and produces evidence of his progress in knowledge, of his zeal and industry, and of his aptitude, he is subsequently promoted by the king to the rank of councillor in the governmental office or in the provincial administration.

Candidates whose examination was not sufficiently satisfactory may undergo a second examination, but not later than six months from the period of the first, this second examination being final.

Candidates whose examination was "altogether unsatisfactory," are not permitted to pass a second examination. To this category belong those who, although they possess the requisite knowledge, are so destitute of natural ability and general culture as to unfit them for the higher branches of the service.

To the category of "sufficiently satisfactory" belong those who possess natural ability and general culture, but are deficient in one or the other requisite branches of knowledge.

"Entirely satisfactory" are only those who combine natural ability and general culture with a mastery of all the details of the various branches of knowledge.

The supreme board of examination constitutes a department of the government, which is under the official control of the ministry of state.

It is located in the capital, and consists of a permanent chairman and four members, who may be changed at any time and who are selected from the ministerial councillors of the various branches of the government and the bench. The appointments to this board are purely honorary.

The members of the ministry of state, the directors and councillors of all other ministries, and the presidents of national colleges, are at liberty to be present during the oral examination of candidates.

ON THE APPOINTMENT OF CIVIL OFFICERS IN PRUSSIA.

1. The King appoints to all offices in the army, and to other branches of the public service, unless otherwise decreed by the constitution.

2. The judges are appointed by the King for life. They can be only removed or suspended in due process of law.

3. Those only who possess the requisite qualifications, as prescribed by the laws, are eligible to the office of judge.

4. The presidents and counsels of the supreme court, and of the courts of appeal, the directors and counsels of district and city courts, are nominated by the King. Assessors, attorneys-at-law, notaries, and referendaries, are nominated by the minister of justice in behalf of the King.

Referendaries who have passed through the great state examination, fill the office of court assessor until they have received a permanent appointment. If this is not assigned to them either temporarily in the court of appeal, or in the ministry of justice, they are, like the unpaid assessors of the chief tribunal, adjoined as unpaid members to the bar of a district or city court.

5. As regards the qualifications for the judges, and the examinations in jurisprudence connected therewith, the regulations on the subject are subject to revision. A director of district courts must have passed the great state examination. The professional judges of the supreme court must have officiated at least for four years, as judges or chief government counsel at a court of

appeal, and the members of courts of appeal must have officiated at least four years at a chief tribunal, and subsequently at district or city courts, or definitively in the capacity of government counsel.

6. Subordinate officers of private tribunals are either appointed for life, or employed in other branches of the civil service, or permitted to officiate at the courts as civil supernumeraries.

7. The appointments in the administrative branches of the public service are made by the respective heads of the department, who have also the power to promote, dismiss, and pension their subordinates. This power, however, is liable to many limitations, particularly as regards the receivers of public moneys (*rendant*) and other responsible trusts, while in all appointments the candidates are subject to a severe test of examination, and preferred according to their superior fitness.

8. The common law of Prussia contains the following provision :

Nobody shall be appointed to a public office unless he possesses the competent qualifications and has given evidences of his fitness.

9. Officers who knowingly employ an unfit person, are held responsible to the state and to the individual citizens thereof, for all damages that may arise through the incompetency and unfitness of such employé.

10. Officers who intrust money to a treasury employé previous to his having furnished the requisite securities, are responsible for all damages that may accrue therefrom.

11. The oath of service imposes upon the civil officers the solemn duty to fulfil his functions with the utmost fidelity and strictness, not only as prescribed by the law, but also in obedience to the voice of his conscience. This oath will impel every honest man to discharge his responsibilities, not only satisfactorily to his King and official superiors, but also in such a manner as to give satisfaction to the highest judge.

In view of this oath, it is hoped that even in such cases where conscience is the only witness, this will be sufficient to resist all temptations and to act under all circumstances with inflexible integrity.

On taking the oath, God is invoked to punish perjury and to reward the faithful performance of duty.

The significance of the oath, from a religious and moral point of view, is further dwelt upon, so as to make it binding upon the conscience, while at the same time the sense of honor and ambition is appealed to, and promotion promised in reward of faithful and efficient services.

The following is the form of the oath of service :

I, N. N. make oath before God, the Almighty and Omniscient, that after having been appointed in the capacity of * * * * * I will be subject, faithful and obedient to his Royal Majesty of Prussia, my most gracious master, that I will perform the duties of my office according to my best knowledge and judgment, and that I will faithfully comply with the Constitution, so help me God, &c., &c.

12. Whosoever obtains an appointment by bribery or by other illicit means will be dismissed forthwith.

13. All contracts and agreements promising private advantages or actually conceding them for procuring a public office, are null and void.

14. Agreements between an out-going official and his successor securing to the former a portion of the salary of the respective office, are only valuable in so far as they have been expressly sanctioned by the superior authorities.

15. The acts of a public officer, in his official capacity, cannot be resented as personal insults.

16. A blunder that might have been averted by proper attention and by the exercise of the qualifications which are required for the respective office, must be rectified at the expense of the employé who committed it.

17. Superior officers, who, by the exercise of the vigilance prescribed by the

regulations of the service, might have averted the commission of blunders on the part of their subordinate employés, are held responsible for the same to the state, as well as to private citizens who may suffer therefrom.

18. The superior officer or head of department has the power to suspend or dismiss his subordinates, the matter being subject to the decision of the council of state, and the respective employés having the right to be heard in explanation or in defence.

19. Drunkards in the civil service are dismissed and forfeit their right to pension.

20. The heads of departments are liable to severe punishment, besides dismissal from the service and forfeiture of pension, for divulging the secrets of the administration.

21. Civil officers are admonished not to run into debt, and liable to be seriously prejudiced thereby and to be restricted in the mode of receiving their salaries.

22. The subordinate officers of the civil service are divided into four classes, viz :

First class.—Dispatching secretaries, journalists, calculators, registers, rendants, receivers of moneys, comptrollers, presidents of chancellories, and other similar functionaries.

Second class.—Referendaries and graduates of the national colleges, (gymnasias.)

Third class.—The subordinate employés of national colleges, (occupying the functions designated under the first class,) the secretaries of chancellories and the chancellors of ministries. District secretaries are regarded as government subordinates of the first class.

Fourth class.—Secretaries of chancellories and chancellors of national colleges.

23. The higher officers of the ministries are divided into three classes, according to their rank :

First class.—The heads and directories of separate divisions in the ministries; the secret cabinet councillors; the Postmaster General, (as long as he does not occupy a higher station in virtue of the title excellency;) the president-in-chief of the chief court of accounts; the president-in-chief of the secret supreme court, (if he is not invested with the title "excellency"); the president-in-chief of the whole court of exchequer, (if this office has an incumbent;) the chief mining officer; the secretary of state, (if he does not possess the title "excellency"); the presidents-in-chief and the provincial consistorial presidents.

All these officers have access to the royal court.

Second class. The effective councillors who have the titles of secret councillor of legation, secret chief councillor of justice, secret councillor of the chief tribunal, secret and councillor-in-chief of finance, actual secret councillor of war, secret chief councillor of the government, the actual governmental presidents, the presidents of the exchequer tribunal, and of the chief national tribunals, the directors of the chief chambers of accounts, the secret chief mining councillors, the secret chief medical councillors, (if they are at the same time effective councillors in the ministries,) the president of police of Berlin.

All these officers have likewise access to the royal court.

Third class.—Effective councillors with the title of actual councillor of legation, secret councillor of justice, secret councillor of finance, secret councillor of war, or actual councillor of war, secret councillor of government, the chief director of the mint, the directors of the bank and of the maritime association, the vice-presidents and directors of the provincial colleges, the chief commissioners for the relations of the peasantry, the secret councillors of the maritime association, secret chief councillors of architecture, secret councillors of accounts, secret chief councillors of account of the chief chamber of accounts, secret councillors

of the post, secret chief medical councillors, (if they are not at the same time effective councillors in the ministries,) the chief councillors of architecture, the chief medical councillors, and the chief consistorial councillors at the ministries.

The foregoing officers are not accessible to the royal court.

24. The higher officers of the provincial colleges are divided into five classes, the specification of which, however, is omitted as unessential for the present purpose.

GUARANTEES IN THE PRUSSIAN CIVIL SERVICE AGAINST MISMANAGEMENT AND FRAUD.

Proper organization of the treasury departments, sufficient payment of the employés, and a stringent control may relieve the state from the imputation of having itself brought about the crime of fraud.—*Bülow*.

The persons employed in the civil service of Prussia are bound to take an oath by which they pledge themselves to a faithful, active and intelligent observance of their duties.

The moneys which are to be deposited by various officers are securities for the proper discharge of their duties, as well for the indemnification of the State for any damage or fraud arising in the administration of the regular functions.

a. The principal officers of the treasury department and the superintendent of mortgages in certain parts of the monarchy have to give bonds to the extent of 6,000 Prussian thalers.

b. Postmasters, custom-house directors, revenue directors, &c., &c., to the extent of 3,000 Prussian thalers, in all such cases where the annual salary of the officers is 900 Prussian thalers, or in excess of 900 thalers.

c. If the salary of these and similar officers is less than 900 thalers annually, the securities are to be to the extent of two years' salary, provided that this will exceed one-twelfth of the average annual amount of money passing through each of these respective offices.

d. Chief bookkeepers at a central and government treasury who act in the place of the chief officers and comptrollers, cashiers, and other officials who take an immediate part in the receipt of funds, or in the administration of depots of goods, have to furnish security to the extent of the amount of one year of their respective salaries.

e. Other subordinate and inferior employés, particularly those in the departments of justice and of the post, who handle valuable objects and money, have to furnish security equivalent to the amount of six months of their respective salaries.

f. The securities in the clauses C, D, and E are to be proportioned in rates of 25 thalers for each year during the duration of the service.

g. An officer who unites several functions which require the deposit of securities, has to furnish them only once and according to the total amount of his united salaries. If these securities fall under the different categories of C, D, and E, they are apportioned according to the highest rate.

Exempted from giving security are those officers who handle public money as an accessory occupation without remuneration; but from the moment they receive a remuneration for their services the double amount of the same is to be deposited as security.

The security must be deposited in cash, either by the office-holder or by a third party for his account.

The permission to custom-house and revenue officers to cover their securities by deductions from their salaries is granted only exceptionally.

The government pays four per centum annual interest upon these amounts, thus deposited as security, these interests being payable at the end of June and December.

On leaving the service the deposit of security is refunded without delay.

As regards these officials whose trusts do not fall within any of the aforementioned categories, the amount of the security is determined by analogy, and in such cases where the office-holders are not intrusted with the management of money, but with that of real estate or corporate interests, the security may be deposited either in cash or in public stocks, or railway shares or in mortgage bonds.

EXAMINATION OF TREASURY CLERKS.

Examination for the treasury departments, including all branches of the service that relate to accounts and calculation.

Supernumeraries who desire to devote themselves exclusively to the above-mentioned branches of the public service have to pass a special examination relating to the administration of deposit and specie banks, of the budget, of matters pertaining to calculation, of taxation and the regulations in respect to stamps. The examiners have to decide whether the candidate possesses the prescribed qualifications in a fair or superior degree for the independent administration of a treasury or calculator's office.

Supernumeraries are dismissed after five years of probatory or supernumerary service if, previous to the expiration of that period, they have not actually passed the abovesaid examination with a view of becoming officers in the various treasury departments, or the examination as actuary with a view of officiating in the judiciary departments the president of the court of appeals being bound by officers to call upon the supernumeraries within four years from the beginning of their supernumerary service, to submit to the treasury or judiciary examination at the risk of their being dismissed altogether, if they fail to subject themselves to meet an examination within the above-stated period.

PROBATORY SERVICE OF MILITARY MEN IN THE CIVIL SERVICE.

Under-officers of 12 years' service and military invalids entitled to public employment are preferred to the civil supernumeraries. Probatory service, however, is required of them in all offices relating to the treasury and to chancery duties which do not imply merely mechanical labor further in all offices of the executive police in penitentiaries and reform institutions, in the post office, the *gensdarmierie*, the revenue, woods and forest and domain administration, inspectorships of public roads, &c., &c.

Messengers and other menial employes need not serve on probation, with exception, however, of the administration of woods and forests and of domains, where such offices imply a certain amount of intelligence beyond merely mechanical labor.

DIRECT PETITIONS TO THE KING FOR SUBORDINATE OFFICES.

Persons who are desirous of entering the subordinate civil service may petition the King directly; provided, however, that they have fulfilled their military duties to the state by actual service in the army, or that they have been released therefrom by law; and provided, further, that they possess such excellent qualifications for the office to which they aspire, that their appointment may hold out positive advantages to the state.

A petition for an office of the higher subordinate branches of the civil service falls to the ground, unless the applicant gives evidence of his qualifications by passing examination as first-class actuary.

Petitioners for employment in the judiciary must have officiated for at least eight years at royal tribunals, or in royal chambers—of royal justices, and not merely of commissaries of justice—or in colleges, corporations, and communes of the state, and produce evidence of their exemplary conduct and of their efficiency for the whole period of this official service.

Applicants who cannot comply with these regulations must serve as civil supernumeraries before they can expect to secure a permanent appointment.

Those whose petitions are favorably considered are yet in the same position with supernumeraries, as far as the preference is concerned, which is accorded to under-officers of 12 years' service and to military invalids.

LAND OFFICE.

Land offices—Commissioner of economy.

The qualifications for these offices embrace—

1. Practical and theoretical agricultural science.
2. Capacity to manage, superintend, and work a farm.
3. Familiarity with the best standard works on land, agriculture, farming, &c.
4. Knowledge of the laws and practices regulating the tenure and distribution of landed property, the laws of mortgage, the discrimination between the various descriptions of land, the processes of irrigation and improvement, the taxes on land, and of all other laws, regulations, practices, circumstances bearing upon the tenure, cultivation, distribution, improvement, or neglect of landed property.
5. Familiarity with all commercial and manufacturing establishments, as breweries, distilleries, &c., and which relate to the products of the soil; also with the science of woods and forests, of gardening, and other branches of knowledge that are cognate to agricultural studies.

A commissioner of a land office in Prussia, or of an agricultural department, must be a sound real estate lawyer, an accomplished scientific man, a practical farmer, a good business man, and an expert in public affairs.

It is not sufficient that applicants for such office pass a stringent oral and verbal examination, but they must actually have been either business men who have obtained the grade of actuary in the principal judiciary departments or have been practical farmers who must produce evidence of aptitude by preparing disquisitions on any stated subject relating to agricultural science for the purpose of displaying their power to discuss principles with cogency and precision as well as to carry them into practical effect. They must further produce evidence of having successfully worked, for at least three years, on one or two great estates, either as proprietors or as administrators, or at least six years in a subordinate capacity. In the event of their having attended a well-known agricultural academy, one year of such attendance will be deemed as equivalent to two years' work as administrator or subordinate employé.

After the compliance with the foregoing conditions, the first examination takes place in the principal branches of science and experience bearing upon land, and agriculture, and national economy, and resources of foreign nations—the examination being both written and oral, as prescribed for the higher civil offices.

The successful candidate is then attached as a writer of protocols to a commissioner, and after one or two years of such service, which includes also experience in surveying, accounts, reports, and other functions of the land offices, he may be promoted to the post of assistant, provided that the evidences of his aptitude, specimens of which have to be submitted to the government to that effect, prove in every respect satisfactory. After having served for several years as assistant and taken a part in the labor of the colleges of the general land commission and some further probationary occupations, he may receive a certificate from the commissioner under whom he is employed to the effect that he is fully prepared for the examination as commissioner.

Then comes the great state examination in all the branches of knowledge and experience to which we have referred, and it is only after satisfactorily passing through this ordeal, and after serving at first again as assistant, with a

view of additional preparation for the discharge of the office of head of the department, that the appointment as commissioner is at last granted.

RAILWAY SERVICE.

The railway administration have the appointing power of all officers employed in the railway service, such appointment, however, to be notified to the minister of finance, with a view of ascertaining the qualifications of the respective applicants.

Persons employed in the police force of the railway service must not be younger than 21 years; they must be of irreproachable character, and able to read and to write, and possess all the other requisite qualifications for the service of police.

They have no claim to pay during such probationary service, but in the event of their giving satisfaction they may be remunerated, but not to an extent exceeding 20 thalers per month. In the event of their dismissal after the one year probation, the security of 200 thalers, which they are bound to deposit in public paper money or in public stocks on entering the service, is restored to them one year and one month subsequent to their removal from the service, provided that nothing has occurred which makes its retention necessary for the state.

Post office despatch clerks may be promoted to the rank of postmasters of the second class, liable to suspension, however, after three months' notice, and subject to an examination embracing all the regulations and taxes of the post office, all the branches of the despatch business, treaties and regulations relating to foreign post offices, articles liable to duty, the financial department of the post office, &c., &c., &c.

The despatch clerks may be transferred from one to the other post office district, according to the discretion of the respective chief postmastership.

EXAMINATION.

Post office despatch clerks constitute the third class of subordinate employés.

1. Applicants must not be older than 35 years.

2. They must furnish a medical certificate testifying to their health, particularly to the excellent condition of their organs of sight and of hearing.

3. Unless they have been military men, entitled as such to public offices, they must produce evidence of having served during the requisite three years in the army.

4. They must produce satisfactory evidence of their antecedents in respect to integrity, morality, and respectability; further, of their being free from debt, and of their sincere devotion to the king and the government.

After compliance with the foregoing conditions, the applicant is subjected to the following examination:

- a. Penmanship, as a specimen of which he is called upon to write down a report of his past career.

- b. Geography.

- c. Arithmetic.

- d. General composition, as a means of testing his knowledge and ability.

A special importance is attached to a clear, steady, legible handwriting and to efficiency and accuracy in arithmetic.

In the event of the applicant's familiarity with a foreign language, the examination is extended thereto.

This examination takes place in the general post office administration in which the applicant seeks employment. After passing a satisfactory examination, they are admitted to a probatory service of one year, after which they are either dismissed or permanently retained.

APPENDIX H.

THE ENGLISH CIVIL SERVICE.

The improvement of the English civil service since the establishment of the act for the better government of India, (1859,) recognizing the system of open competition and providing for the conduct of the examinations by the civil service commissioners and the superannuation act, passed in the same year, providing that no person appointed after its date shall, for its purposes, be considered as serving in the permanent civil service of the state, unless admitted with a certificate from the civil service commissioners, has been fully described in the report from the joint select committee of the two houses of Congress, appointed under concurrent resolution of July 19, 1866.

It may only be repeated here that according to the latest report of the civil service commissioners, dated 12th June, 1865, it appears that the total number of nominations since the commencement of their proceedings in May, 1855, amounts to 29,763.

The service has not only become more efficient under the system of qualified employes by competitive examination, but also more economical, as appears from the following table, which contains a comparative statement of the average expenditure in four of the principal departments during six years previous and six years subsequent to the adoption of the reformed system :

	1847.	1848.	1849.	1850.	1851.	1852.	Total.	Average.
Treasury	£60,300	£60,800	£57,200	£56,100	£53,700	£54,400	£342,500	£57,083
Home Office	29,900	29,200	25,400	26,000	25,270	26,550	162,320	27,054
Foreign Office	83,848	82,000	76,000	71,000	71,000	67,735	451,683	75,280
Colonial Office	31,500	36,961	36,900	37,400	37,100	38,815	218,676	36,446
								195,863

	1861.	1862.	1863.	1864.	1865.	1866.	Total.	Average.	Decr'se.
Treasury	£53,173	£52,363	£51,730	£53,147	£53,488	£52,432	£316,333	£52,722	£4,361
Home Office	25,753	25,856	26,263	26,883	27,118	26,417	158,290	26,381	673
Foreign Office	62,715	64,319	72,325	72,015	66,885	63,840	402,099	67,016	8,164
Colonial Office	30,449	30,748	31,047	31,421	31,658	32,124	187,447	31,241	5,205
	Showing a decrease of expenditure of about 9½ per cent., or.....								18,403

A thorough insight into the present organization of the various branches of the home civil service in England is afforded by the annexed statements of the persons employed, together with their salaries, in the following departments of the service :

	Total forces.	Estimate of total cost in 1866.
A. Custom-house service.....	5,850	£798,493
B. Inland revenue service.....	5,036	1,295,645
C. Post office.....	25,142	2,436,016
D. Paymaster general's department.....	83	21,000
E. Colonial office.....	40	30,000
F. Foreign office.....	64	40,000
G. Home office.....	45	26,000
H. Treasury	92	50,000

It will be perceived from a careful perusal of these tables, that the bulk of the cost of these public offices goes towards the payment of clerical salaries exceeding the amount of £500 or about \$3,000 in currency annually, thus securing competent men by offering adequate remuneration, while the whole cost of the service is diminished by the relief from the necessity of appointing thousands of £200 and £300 or \$1,200 and \$1,800 clerks. The system of annual increase until the maximum salary is reached is also an element of great public utility and of encouragement and advantage to the persons employed.

In analyzing for instance the treasury service, (not including, as in this country, all, but only a portion of the financial department,) it will be found that about four-tenths of the total cost is for salaries in excess of £500 and only one-tenth for salaries of smaller amounts.

The same applies more or less to the inland service, customs, and other important branches of the English service.

A.—Custom-house service, England.

LONDON CUSTOM-HOUSE.

	Minimum.	Gradual annual increase.	Maximum.
<i>The board—</i>			
1 chairman.....	...	..	£2, 000
1 deputy chairman.....	...	..	1, 600
3 commissioners.....	...	..	1, 200
<i>Secretary's office—</i>			
1 secretary.....			1, 600
1 assistant secretary.....	£800	£ 25	1, 000
3 committee clerks.....	600	20	700
1 London petition clerk....	470	15	500
3 chief clerks.....	350	15	450
<i>Clerks for general duty—</i>			
6 first class.....	260	15	320
7 second class.....	170	10	230
8 third class.....	100	10	160
Additional to clerks for special duties.....	...	..	220
1 housekeeper and storekeeper.....	...	..	260
2 doorkeepers.....	...	..	100
1 house porter.....	...	..	80
<i>Solicitor's office—</i>			
1 solicitor.....	...	..	2, 000
2 assistant solicitors.....	...	..	800
9 clerks, varying from £90 to £500.....	...	..	500
2 surveyors general, £800; after 5 years.....	...	..	900
1 principal surveyor for tonnage.....	...	..	500
1 draughtsman.....	200	10	250
2 draughtsmen.....	...	..	200
1 surveyor of buildings, £400, (£50 after 5 years' and £50 after 10 years' service).....	...	..	500
1 professional clerk, £200, (£50 after 5 years and £50 after 10 years' service).....	...	..	300
1 clerk of the works.....	...	..	150
<i>Receiver general's office—</i>			
1 receiver general.....	...	..	1, 200
1 assistant receiver general.....	...	..	600
4 principal clerks.....	350	20	450

	Minimum.	Gradual annual increase.	Maximum.
4 clerks, 1st class	£240	£15	£320
6 clerks, 2d class	160	10	220
9 clerks, 3d class	80	10	140
<i>Comptroller general's office—</i>			
1 comptroller general.	700	20	800
1 assistant comptroller general	450	20	550
6 principal clerks	350	20	450
7 1st class clerks	260	15	320
14 2d class clerks	160	10	220
20 3d class clerks	80	10	140
<i>Inspector general of imports and exports—</i>			
1 inspector general, £800; after 5 years	...	..	900
1 assistant inspector general	450	25	550
4 principal clerks	320	15	400
8 1st class clerks	230	10	300
15 2d class clerks	150	10	220
20 3d class clerks	80	*5	160
<i>Examiner's office—</i>			
1 examiner and jerquer	650	25	†800
1 assistant examiner	450	25	556
9 principal clerks	320	15	400
27 1st class clerks	230	10	300
54 2d class clerks	150	10	220
80 3d class clerks	80	‡5	140
Pay to extra clerks	...	..	2,000
Travelling charges, &c.	...	..	1,000
Total number of persons employed	...	..	355
Total expenses	...	..	£91,660

	Persons employed.	Expendi- tures.
London custom-house	355	£91,660
Port of London, (docks, searcher's office, &c., &c.)	1,768	258,923
Port of Liverpool	824	107,040
Other ports, United Kingdom	2,561	314,570
Law charges, rewards for capture of smugglers, &c., &c.		16,300
	<u>5,508</u>	<u>798,493</u>

B.—*Inland revenue service system.*

INLAND REVENUE.

England	3,406	£617,441
Scotland	969	138,374
Ireland	661	100,732
Sundry expenses, (including £136,000 poundage to collectors and assessors		439,098
Total forces and cost	5,036	1,295,645

* And, by two years afterward, 10.

† Additional 50.

‡ And 10, two years afterwards.

	Minimum.	Gradual annual increase.	Maximum.
<i>The board—</i>			
Salary of chairman.....	...	..	£2, 000
Deputy chairman.....	...	..	1, 600
6 commissioners.....	...	..	1, 200
<i>Secretary's office—</i>			
2 secretaries.....	...	..	1, 200
2 assistant secretaries.....	...	..	800
4 committee clerks.....	£550	£20	650
8 clerks, 1st class.....	450	20	550
1 registrar of papers.....	450	20	550
1 assistant registrar of papers.....	350	10	450
9 clerks, 2d class.....	350	10	450
12 clerks, 3d class.....	250	10	350
14 clerks, 4th class.....	150	10	250
12 clerks, 5th class.....	90	10	150
<i>Solicitor's office—</i>			
1 solicitor.....	...	..	2, 000
1 assistant solicitor's, (additional allowance of 200) ..	...	..	1, 200
3 chief clerks.....	600	20	700
3 clerks, 1st class.....	450	20	550
4 clerks, 2d class.....	350	20	450
6 clerks, 3d class.....	200	10	300
10 clerks, 4th class.....	90	10	200
1 supplementary clerk for property tax.....	120	5	150
1 supplementary clerk for property tax.....	...	..	100
<i>Receiver generals' office—</i>			
1 receiver general.....	...	..	1, 000
1 chief clerk.....	500	20	600
4 clerks, 1st class.....	350	20	450
4 clerks, 2d class.....	250	20	350
5 clerks, 3d class.....	150	10	250
6 clerks, 4th class.....	90	10	150
<i>Comptroller of legacy and succession duty office—</i>			
1 comptroller.....	...	..	1, 500
1 assistant comptroller.....	900	..	*1, 000
2 chief clerks.....	600	50	800
chief superintendents.....	500	20	600
2 superintendents, 1st class.....	450	10	500
3 superintendents, 1st class.....	320	10	400
12 examiners.....	320	10	400
17 assistant examiners.....	250	10	300
7 superintendents, 2d class.....	200	10	240
28 clerks, 2d class.....	150	10	200
31 clerks, 3d class.....	90	10	140
1 senior keeper of wills.....	120	10	150
1 keeper of wills.....	90	5	110
4 keepers of wills.....	80	5	100
<i>Accountant's office—</i>			
3 chief accountants.....	...	..	800
6 clerks, 1st class.....	450	20	550
10 clerks, 1st class.....	400	15	450

* After three years.

	Minimum.	Gradual annual increase.	Maximum.
4 clerks, 2d class	£350	£10	£400
10 clerks, 2d class	300	10	350
14 clerks, 3d class	200	10	250
16 clerks, 4th class	150	10	200
19 clerks, 5th class	90	10	140
1 boy in warrant room	26	..	26
<i>Inspector's office, (taxes)—</i>			
1 chief inspector	800	..	800
1 assistant inspector	500	20	600
1 inspector, 1st class	600	20	650
6 inspectors 2d class	550	20	600
3 inspectors	450	10	500
Chief examiner	550	20	650
1 clerk, 1st class	450	20	550
1 clerk	400	20	500
4 clerks, 2d class	250	10	350
5 clerks, 3d class	150	10	250
6 clerks, 4th class	90	10	150
<i>Surveying general examiners, (excise)—</i>			
1 principal	600	20	700
3 1st class	550	10	600
1 2d class	400	..	400
14 2d second class	350	..	350
15 3d class	...	..	300
<i>Laboratory—</i>			
1 principal	700	20	750
1 assistant	300	10	400
<i>Fire insurance office—</i>			
1 registrar	400	20	500
1 chief clerk	300	15	350
3 clerks, 1st class	200	10	290
5 clerks, 2d class	150	10	190
6 clerks 3d class	90	5	140
<i>Registrar of warrant's office—</i>			
1 registrar	370	20	450
1 chief clerk	260	15	350
3 clerks, 1st class	150	10	240
4 clerks, 2d class	90	10	140
<i>Spoiled stamps office—</i>			
1 examiner	550	20	650
1 assistant examiner	450	15	500
1 chief clerk	350	10	450
1 clerk, 1st class	250	10	350
2 clerks, 2d class	150	10	250
2 clerks, 3d class	90	10	150
<i>Registrars of licenses and distributors of stamps office—</i>			
1 registrar	450	20	550
1 chief clerk	300	10	350
3 clerks, 1st class	220	10	270
3 clerks, 2d class	150	10	200
2 clerks, 3d class	90	10	140

Gradual
Minimum. annual Maximum.
increase.

4 copying clerks, (per week) 36 shillings	...	..	...
1 boy	...	..	£26

Warehouse keeper's office—

1 principal warehouse keeper	£450	£20	550
1 assistant warehouse keeper	350	10	400
1 chief clerk	280	10	330
1 diary clerk	230	5	250
5 clerks, 1st class	220	10	270
6 clerks, 2d class	150	10	200
6 clerks, 3d class	90	10	140
4 superintendents of warehouses	90	5	130
10 warehousemen, 1st class (additional allowance 20) ..	90	5	110
10 warehousemen, 2d class	75	5	90
8 porters, 1 binder, and 3 sewers	...	..	...

Stamping department—

1 controller of stamping	...	..	750
1 deputy controller of stamping	...	..	500
1 chief superintendent	...	..	200
1 superintendent at Manchester	...	..	140
2 superintendents of stamping tables	130	5	150
1 superintendent of perforating stamps	130	5	160
1 superintendent of stamping of newspapers (salary as stamper; additional allowance 20)	90	1	120
1 superintendent excise printing	...	..	120
50 stampers	75	1	100
25 junior stampers	40	5	75

Special commissioner of income tax office—

3 special commissioners	...	..	600
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First branch:

1 chief examiner	300	20	550
1 assistant examiner	300	15	350
6 clerks, 1st class	250	10	290
12 clerks, 2d class	150	10	240
15 clerks, 3d class	90	5	140
1 clerk	...	..	445

Second branch:

1 chief clerk	350	15	400
1 clerk, 1st class	200	10	250
2 clerks, 2d class	150	10	200
3 clerks, 3d class	90	10	150

Stage carriage duty office—

1 assessor	400	20	500
2 clerks, 1st class	150	10	250
3 clerks, 2d class	90	10	150
1 surveyor of buildings	...	..	400
1 medical officer	...	..	400

Out-door establishment for taxes—

3 inspectors of taxes, 1st class	600	20	650
3 inspectors of taxes, 2d class	550	20	600
25 surveyors, 1st class	420	20	500
30 surveyors, 2d class	350	10	400

	Minimum.	Gradual annual increase.	Maximum.
40 surveyors, 3d class	300	10	350
45 surveyors, 4th class	250	10	300
100 surveyors, 5th class	200	10	250
60 assistant surveyors	90	10	150

Out-door establishment for excise—

1 collector of excise and distributor of stamps at Liverpool	700	20	800
1 do.....sea-policy stamps (London)	550	20	650
5 do.....2d class	500	20	550
16 do.....3d class	450	10	500
22 do.....4th class	400	10	450
17 do.....5th class	360	10	400
Additional allowances to collectors acting as distributors of stamps	...	..	300
8 clerks to collectors, 1st class	180	5	220
70 clerks to collectors, 2d class	140	5	180
64 clerks to collectors, 3d class	110	5	140
54 supervisors of foot-walk	230	5	250
222 supervisors of riding districts	200	5	230
40 examiners	...	..	170
396 officers of divisions	120	5	150
685 officers of rides	...	..	110
1 officer of diaries	120	5	150

Out-door establishment for excise—

30 assistants, 1st class	...	..	95
255 assistants, 2d class	...	..	*60
1 preventive officer	...	..	100
1 surveyor (London)	...	..	350
1 office keeper	...	..	160
1 head messenger	...	..	120
2 messengers	...	..	100
9 messengers, 1st class	80	2	90
17 messengers, 2d class	70	2	80
61 menial officers	...	..	...
Total force inland revenue (England)			3, 406
Total expenses			£617, 441

C.—Post office.

4, 339 London, Dublin, Edinburg	£577, 100
90 surveyors, &c.	41, 925
15, 012 provincial post office, England and Wales	523, 245
2, 604 provincial post office, Ireland	57, 507
2, 828 provincial post office, Scotland	79, 516
93 provincial post office, colonies, &c.	13, 209
134 conveyance of mails	763, 462
..... buildings and repairs	348, 432
42 manufacturers postage stamps	31, 220
25, 142	2, 436, 016

Salaries, highest, £2,500, £2,000, £1,500, £900, £1,200, £800, £600, £700, £500, £400, downward to the smallest amounts.

* And additional two shillings per diem when actively employed.

D.—*Paymaster General's Office.*

Paymaster receiving salary as vice-president board of trade.

	Minimum.	Increase.	Maximum.
Assistant paymaster general.....	£1, 000	£50	£1, 200
Deputy paymaster general (Dublin).....	820	20	950
2 first-class clerks, first section.....	670	20	950
5 first-class clerks, second section.....	520	20	650
10 second-class clerks, second section.....	520	20	650
16 second-class clerks.....	315	15	500
35 third-class clerks.....	100	10	300
2 temporary clerks.....	100	5	150
1 office keeper.....	...	..	150
9 messengers, { 3 at.....	100	5	110
{ 2 at.....	90	2½	100
{ 4 at.....	80	2½	90
83			21, 000

E.—*Colonial Office.*

1 secretary of state.....	£5, 000
1 under secretary.....	2, 000
1 under secretary.....	1, 500
1 assistant secretary.....	1, 500
	10, 000

	Minimum	Increase.	Maximum.
1 chief clerk.....	£1, 000	£50	£1, 250
5 senior clerks.....	700	25	1, 000
7 assistant clerks.....	350	20	600
6 junior clerks.....	160	15	300
Private secretary to secretary of state.....	...	..	300
2 private secretaries to under secretary.....	...	..	150
1 private secretary to assistant secretary.....	...	..	150
1 librarian.....	600	20	800
1 assistant librarian.....	200	10	400
1 précis writer.....	...	..	1, 000
1 registrar.....	...	..	400
1 first registry clerk.....	...	10	250
1 second registry clerk.....	...	..	150
1 clerk for parliamentary papers.....	...	..	200
1 clerk in department of ditto.....	...	10	250
1 clerk in chief clerk's department.....	200	15	305
1 compiler of indices.....	...	..	150
Office keepers, &c., &c.			30, 000
40			

F.—*Foreign Office.*

1 secretary of state.....	...	..	£5, 000
1 under secretary.....	...	..	2, 000
1 under secretary.....	...	..	1, 500
1 assistant secretary.....	...	..	1, 500
			10, 000

	Minimum.	Increase.	Maximum.
1 chief clerk.....	£1, 000	£50	£1, 250
8 senior clerks.....	700	25	1, 000
8 assistant clerks.....	550	20	650
10 first-class junior clerks.....	350	15	445
9 second-class junior clerks.....	150	10	300
6 third-class junior clerks.....	100	10	150
1 librarian and keeper of the papers.....	600	25	800
3 library clerks.....	250	15	360
2 library clerks.....	100	10	240
1 superintendent treaty department.....	600	25	800
1 assistant ditto.....	400	15	500
1 clerk ditto.....	250	15	360
1 supplemental clerk consular department.....	250	15	360
1 clerk in chief clerk's department.....	400	15	500
2 clerks ditto, each.....	100	10	240
1 translator.....	500	..	500
Private secretary and précis writer, each.....	...	..	300
1 printer.....	...	..	150
1 office keeper.....	...	..	200
4 office keepers.....	...	..	125
1 office porter.....	...	..	230
1 office porter.....	...	..	120
2 doorkeepers, each.....	...	..	100
1 lamplighter and coal porter.....	...	..	94
1 housekeeper.....	...	..	100

74

40, 000

G.—*Home Office.*

1 secretary of state.....	£5, 000
1 under secretary of state.....	2, 000
1 under secretary of state.....	1, 500
1 counsel for drawing bills for parliament.....	2, 000

	Minimum.	Increase.	Maximum.
1 chief clerk.....	£1, 000	£50	£1, 200
3 senior clerks.....	700	25	1, 000
2 senior clerks*.....	600	20	800
7 second-class clerks.....	350	20	600
5 third class.....	100	10	300

Librarian.....	600
1 clerk for signet and other business.....	300
1 private secretary to secretary of state.....	300
1 private secretary to parliamentary under secretary.....	150
9 extra clerks.....	300 15 400
	150 10 300
	100 5 150
2 clerks to the counsel for drawing parliamentary bills.....	150 10 200
	100 5 150
1 chamber keeper.....	200
1 chamber keeper.....	190
5 office porters.....	£75 to 110
1 messenger to counsel for drawing bills for parliament.....	100

45

26,000

*To be abolished when vacant and additions made to third class clerks.

H.—*Treasury.*

							Salaries.
1	first lord	.....	.....	.....	.....	.....	£5, 000
1	chancellor of the exchequer	.....	.....	.....	.....	.....	5, 000
3	lords commissioners	.....	.....	.....	.....	.....	1, 000
2	secretaries	.....	.....	.....	.....	.....	2, 000
							17, 000
1	assistant secretary	..	minimum £2, 000 (after 5 years 2, 500)	£2, 500			
1	auditor of ann'l list.	do	1, 500	maximum 1, 500			
4	principal clerks....	do	1, 000	ann'l inc'e 50	max'm 1, 200	£4, 800	
7	first-class clerks....	do	700	do 25	do 900	6, 300	
13	second-class clerks..	do	350	do 20	do 600	7, 800	
7	third-class clerks...	do	100	do 15	do 250		
1	accountant.....	do	500	do 20	do 800	800	
1	assistant accountant.	do	350	do 15	do 500	500	
5	supplementary clk's,						
	1st class.....	do	400	do 15	do 500	500	
5	supplementary clk's,						
	2d class.....	do	250	do 10	do 350	....	
8	supplementary clk's,						
	3d class.....	do	100	do 10	do 200	....	
2	private secretaries to						
	first lord.....	do	300	.. ..	do 300	....	
1	private secretary to						
	chancellor.	do	300	.. ..	do 300	....	
2	to secretaries.....	do	150	.. ..	do 150	....	
1	to ass't secretary...	do	150	.. ..	do 150	....	
1	office & house keeper	do	200	do 5	do 250	....	
1	superintending mes-						
	senger of first lord	do	220	.. ..	do 220	....	
24	messengers.....	do	85	to	150	....	
92							50, 000

APPENDIX I.

FRENCH CIVIL SERVICE.

A.—ON PUBLIC ADMINISTRATION, BY EMILE DE GIRARDIN.*—POLITICAL EDUCATION.—FUNCTIONARIES.

Public education should be established for the formation of statesmen by the study of history, living languages, public law, the interest of nations, and of all that can make them useful for public affairs. This would do away in empires with those ministers hastily appointed by patronage who only exhibit to the public supposed talents and who reveal their duties only by their blunders.—*Bacon.*

Considerations of classes and of fortunes.—Government offices, public functions, of whatever order, have been for a long time, as they probably still are, dispensed by patronage in the interests of partisan politics. This is a great evil, the effect of which is felt in the very heart-life of the nation

When governments select their officers according to their political opinions

* Since this disquisition was published by Mr. Girardin, the progress of reform in the French service has been remarkable.

or to narrow family considerations, they demoralize the nation, they revolutionize it, they increase the abuses, they squander the resources which are at their disposal, and are only temporarily sustained by arbitrary power or by corruption.

We hope that the day will come when the interest of the nation is no longer sacrificed to that of petty coteries, and when men of education and experience are no longer wanting in the public service.

The number of capable officers is certainly not equal in France to that of offices.

Diminish the number of offices and increase the number of good officers—this is the progress which we still have to make.

There is a future for men who prepare themselves by serious studies for public functions. This future cannot be very remote, and we only suggest it to the children of wealthy parents, but it must come sooner or later, the periodical press and the parliamentary tribune affording two means to discriminate between the mass of writers and politicians who discuss public affairs without study and without experience.

Aptitude should imply the following qualities :

Comprehensiveness of ideas, soundness of judgment, a self-possessed mind, a firm will, conciliatory character, and high integrity.

National instruction.—First and second degrees.

Professional instruction.—All that refers to the professional instruction of young men destined for the public service is really provided for, but nothing is harmonious, nothing obligatory.

Political economy, for instance, which all public functionaries ought to understand, is taught at the *Collège de France* and the *Conservatoire des arts et métiers*. In the same manner the divers branches of political and administrative science are taught, but in a different manner. They are nowhere united in one nucleus. They do not constitute a systematic and progressive method of instruction ; there is no royal school or special school of administration ; there is no faculty of economical, administrative, and political sciences where the young men destined for the public service can obtain their certificates of qualification and their degrees. Thus, while the faculties of letters, science, law, medicine, and theology, offer extended resources to the various professions and impose the safe check of examinations upon the public careers open to intelligent men, the administrative career is the only one to which access is open to the pretensions of ignorance and the presumption of incapacity.

It is well known from whence come the lawyers, the physicians, the teachers, and by what studies they have prepared themselves for the exercise of their profession and what guarantees they were obliged to furnish to society before obtaining its confidence, but it is in vain to search the laws which have established these guarantees for regulations applicable to public administration, or, in other words, it is in vain to look side by side with the various seats of learning or a special civil service school, founded upon analogous bases and supported by the state.

Such a serious want in our system of instruction has been recognized and signalized by the illustrious Cuvier, who agrees on this subject with Bacon, whose opinion we have quoted.

On this occasion we may cite what has been stated* by a distinguished professor, Mr. Macarel, councillor of state, on the necessity of establishing at Paris a faculty of administrative and political sciences, or at least a special school : †

Superior instruction is taught in France in five orders of faculties ; in the university of

* Elements of Political Law. (*Eléments de Droit Politique*, page 510.)

† This note served for text to a letter addressed on December 24, 1832, to the minister of public instruction, and ever since 1829 the same idea has been submitted to M. de Vatimesnil, who then officiated in the same capacity.

France, the faculties of law, medicine, letters, physical and mathematical sciences, and theology.

The country is greatly benefited by these liberal institutions, but the University of France does not provide for the teaching of political and administrative sciences. In some of the academies there are courses of lectures on administrative law; formerly two courses of lectures on public economy were also given in Paris. But these lectures are evidently insufficient to form the class of men who devote themselves to the difficult conduct of general interests, and who are destined to occupy either the official posts in the various bureaus of the administration or the legislative chambers themselves. Such a separate institution seems to me necessary in France.

It is probable that at some future day the country will be endowed with a faculty of political and administrative sciences, and that degrees, and consequently certificates of qualification, will then be expected to be possessed at least by those who fill, under the supreme direction of the ministers, the functions of members of councils of state, civil officers of all grades, and the offices of chiefs of bureaus, of divisions, &c.

The ministers will then have more enlightened auxiliaries. This sixth faculty might comprise the following branches of instruction, namely:

1. Natural law or moral philosophy.
2. International law.
3. Public, general, and positive law.
4. Political economy.
5. Statistics.
6. General administration.

Courses of lectures on the following subjects might be given in connection with the same institution, namely, on administrative law cases, parliamentary eloquence, history of French public law, and comparative administration.

These last-named subjects would crown, in a measure, for those who wish to study social science, the benefits conferred by the instruction of this sixth faculty.

The period of instruction might extend over three years. The first year to be devoted to natural law, (3 months;) to international law, (3 months;) and to public law, (4 months.) The second year to political economy, (3 months;) statistics, (3 months;) and to the first rudiments of general administration, (6 months.)

The third year to be altogether devoted to general administration, (10 months;) degrees would be conferred in this faculty according to the different grades of studies.

For that of *bachelier* the institution to be attended during two years, and the natural law, public law, and general administration to be studied.

For that of *licencié*, three years of study will be required.

Finally, the *doctorate* could not be obtained without having also attended the lectures on public law and comparative administration.

Moreover, on leaving this faculty the young supernumeraries entering the public service might find in the special administration for which they are destined a special course on legislation, on the regulations and customs of the service in which they are employed; this special instruction to be equal to that afforded to the youthful *élèves*—engineers of mining and public works in their respective bureaus.

Efficacious measures might be taken by government to that effect, and I have no doubt that each administrative branch could obtain an efficient special professor.

In this manner the theoretical instruction on the most extended scale possible would be perfected for the French service.

That of practical knowledge could be afterwards added thereto, and rectify by its actual applications erroneous or impracticable ideas.

Thus the complete framework of this excellent system of instruction might be established upon the foregoing basis.

In the University of France there are faculties which offer more extended means of instruction. The faculty of sciences, for instance, comprises the instruction of arithmetic, the various geometrical and mathematical sciences, algebra applied to geometry, differential and integral calculation, statics, mathematical science, astronomy, physical science, chemistry, and natural history.

These are the vast studies intended for the formation of learned mathematicians and physicists.

Is it not equally necessary to devise means for the creation of civil functionaries and statesmen?

The science of government, is it not too much neglected?

Should it not be taught in all its bearings?

Is it not possible to achieve this result successfully?

The rapid progress of civilization seems to call for such a system of instruction.

It would be honorable to France if she were to give the first example of systematic and perfect studies in that direction.

In proportion that men are enlightened in regard to their individual rights, is it not necessary that the civil officers of the country should better understand the rights of society, of which they are the organs and defenders?

The periodical press is incessantly engaged in the discussion of principles.

It is important for society that the doctrine really essential for its conservation, welfare, and perfection, should be taught publicly with the same incontestable authority which generally attends the sworn interpreters of other sciences.

It is easy, therefore, to anticipate the good which would result from the new creation which I invoke at present with all the force of my personal conviction.

We fully agree with the foregoing views expressed by Mr. Macarel, and are glad to join him in the task of speedily effecting the realization of ideas which have received the imposing sanction of two men like Bacon and Cuvier.

We will only refer on this occasion to the necessity of frequent rhetorical exercises. The bar has created for lawyers a species of monopoly of speechifying, which, in our electoral legislative assemblies, in our general and municipal councils, is often exercised in an unfortunate manner, detrimental to the men of specialities, of practical powers and experience, though these are more conversant with the routine of business than with rhetoric, and allow themselves to be too often intimidated by the pluck of lawyers in rushing into speech, by their coolness and the nonchalance in keeping the platform, and by their artfulness and talent in the manipulation of words.

Hence the narrow lawyer-like spirit which is generally perceptible in our laws and strips them of all grandeur and all stability; hence their meanness and weakness; hence a certain one-sided and deplorable tendency to discuss and regulate our greatest interests only from one point of view; hence the barrenness of the representative system in France.

In our opinion, an enlightened and far-seeing government could not too much encourage by all the means in its power the opening and the multiplication of courses of study of improvisation and of all exercises calculated to promote the art of public speaking. We have stated in our introductory the motives and the interests in behalf of which we demand that elementary education should cease to be the privilege of a few and become a duty for all. The same considerations of the welfare of society lead us to wish that those who know how to read should also learn how to speak, so that the talent of expressing one's thoughts should cease to be a general difficulty and a professional privilege, and simply become a free and easy exercise of a faculty of the mind.

Other not less important considerations also militate in favor of the prompt establishment of a faculty of economical administration and political sciences.

Is it not one of the saddest spectacles to see all avenues of the public service encumbered with office-seekers without legitimate claims, and generally with no other rights than their pretensions? *The only efficacious way to diminish their number, is it not, to subject them to severe tests of examination and competition?*

Public education, thoughtfully considered from an elevated point of view, presents the advantage of providing means of restraining and regulating the very ambitions which it stimulates. From the moment that all the resources of public education become manifest to statesmen of resolute will and powerful judgment, a new era would be inaugurated in the hierarchy of society; order would then take the place of the present deplorable chaos; the degree of education would then determine political right and administrative aptitudes, and place invincible obstacles in the way of exaggerated pretensions and improper applications for office; the speciality and variety of education would then maintain the balance between all professions; for the sake of its own preservation, the government would then be made to understand that it must impose upon itself the imperious duty of employing only the most capable and educated men, who have proven themselves to be so in the examination and competition to which they have been successively subjected. The public functionaries will then be necessarily composed of the *élite* of the nation, and ambitious mediocrities will be, as a matter of course, excluded and consigned to obscurity by the mere force of their ignorance. Thus will the government be elevated by the

respect due to its agents. It will then achieve what it now fails to accomplish, namely: the government will govern and at length acquire that moral authority without which its precarious existence is ever jeopardized by the conflict of personal ambition.

How many mediocrities, even incapacities, are there not who only covet public offices because they seem to be open to whomsoever feels inclined to take them, and because they may be secured all in one bound without any test of qualification. This access to them without preliminary studies, without trial, without guarantees, must necessarily encourage the most shallow pretensions. Indeed there are not a few persons who, on seeing the candidates to the public service relieved from presenting any test of fitness, imagine that the law winks at these proceedings and that tests are not at all necessary. They will tell you that common sense is all that is required to become an efficient prefect, and that no special studies are needed; that administrative business consists only of constant intercourse with human nature, and that for its management nothing more is required than tact and prudence; as regards the questions of facts and of material interests confided to the departmental administration, they will make very light of it, without entertaining the least doubt that several months of experience will be sufficient to initiate an intelligent and sagacious man into the management of all this public business. Hence the predilection is in favor of the old routine, the subjection to routine, the too frequent incapability to deal with questions the examination of which would require a solid instruction; hence, lastly, the little confidence in the application of the best-established principles of economical science and the prejudice which still prevails to such a great extent, against what is called *theories*, as if a theory worthy of that name were not the faithful embodiment and analysis of *facts*, upon which all issues depend.

It is not so in Germany. For a long time past political economy, or cameralistics (science of administration and finance) have been taught everywhere by special professorships, and the faithful attendance to the same, *the evidence of the knowledge there acquired* are demanded from all candidates to offices, in which such knowledge is required.

These candidates are subjected to examinations. Their admission to or exclusion from the public service is dependent upon the more or less favorable result of the same, in the same manner which with us (in France) determines the fitness to enter the professions of the pedagogue, the lawyer, and the physician.

In France, on the contrary, administrative science is little regarded. Its detractors are all those who find it more convenient to neglect than to cultivate it. Hence the constant struggles imposed upon the government against so many preposterous office-seekers, who, strong in their sense of the immunity of the laws, hope to find the minister as little able to baffle their pretensions as the law itself. Those guarantees of instruction, morality and experience which the laws fail to impose upon the candidates, must be frequently demanded by the government whenever it fears that its confidence may be abused by incapable or faithless persons; its interest as well as its duty require it to make up by severe vigilance for the remissness of the law, but the most vigilant minister is not always proof against mistakes. Responsible for the conduct of their agent, the ministers need, no doubt, much latitude in their selections, but guarantees of qualification would not impose any impediment upon the freedom of selection, and certainly diminish ministerial responsibility by securing greater chances of infallibility for the secondary branches of the service.

The imperial decree of December 26, 1809, which regulates the instruction of auditors to the council of state, organized administrative grades. Forty auditors were attached to the different ministers; 120 were distributed among the ministry of police; the general direction of military reviews and of con-

scription; the administration of public works; of registry and domains; of asylums; of waters and forests; of the various taxes; of victuals; of the post; of the lottery; of powder; the board of maritime seizures; the board of mines; the redeeming fund; the prefecture of the department of the Seine, and the prefecture of voters.

One hundred and sixty auditors thus received in the various special administrations of Paris an instruction which fitted them to occupy, next to the supernumerary posts, more or less important situations in the different offices to which they had been attached.

The youthful auxiliaries of the provincial administration passed, under the direction of the prefects, a regular apprenticeship. They were at the disposal of this magistrate who could appoint them to officiate provisionally, in the case of death, vacancy, leave of absence, or other legitimate causes, as sub-prefects of the provinces. They could be, at the same time, intrusted with the management of all litigious business.

By the article 20 of this law, the fourth part of sub-prefectures that became vacant was to be allotted to auditors.

In combining the plan proposed by Mr. Macarel with the stipulations of the decree of 1809, the organization of tests of qualification for the public service might be fully effected, and to perfect it some faculties of economical, administrative, political, agricultural, industrial and commercial sciences should be established.

B.—FORCES OF THE FRENCH SERVICE.

The following are the principal members of the government:

1. The *secretary of state* and of the house of the Emperor.

In the latter capacity he is charged with the administration of the civil list; of the domains and forests; of the imperial palaces; of the museums; of the imperial manufactures; of the libraries belonging to the crown; the administration of the private domain, and the direction of the imperial theatre of the opera. He is the highest dignitary of the house of the Emperor, and presents the decrees of nominations to public functionaries of the house of the Emperor and of the princes and princesses of the imperial family.

As minister of state he has to attend to the relations between the government and the senate, the legislature and council of state; the correspondence of the Emperor with the different ministers; the certification of the decrees nominating ministers, president of the senate and legislature, senators and members of the council of state; decrees convening and closing the senate and legislature, and all those decrees which do not specially belong to any other ministerial department; the exclusive control over the official part of the *Moniteur*; the service of the fine arts, of the imperial archives; civil buildings and historical monuments.

The ministry of the house of the Emperor consists in a general secretariate, with three divisions of, respectively, three and two bureaus; and in a general administration of domains and forests, with four bureaus; in a general direction of imperial museums, with a general director and intendent of fine arts; in an administration of the effects of the Crown, (with a superintendent,) assisted by a chief of bureau, an inspector general and three adjoint inspectors, and in the imperial manufactories, (*Sèvres, Gobelins, Beauvoir*,) and under the charge of a director.

The same ministry is further assisted by three committees, namely: a committee for litigious affairs, a permanent superior board for the investigation of affairs relating to the imperial theatre of the opera, and a board for the verification and sifting of the accounts of the administration of the imperial civil list.

The ministry of state consists of a general secretariate, with four sections, namely: section of the secretariate and accounts, (with two bureaus;) section of

civil buildings, (two bureaux ;) section of fine arts, including schools of fine arts; publication of works relating to the fine arts; orders and compensations to artists; section of the theatres, comprising theatres of Paris and the provinces; imperial conservatory of music and declamation; schools for music in the provinces; compensations to authors and dramatic artists. Further, of the service of historical monuments, including the preservation of historical monuments and the distribution of credits granted to that effect to the general inspector attached to this service, and finally of the general direction of the archives of the empire, including three sections, viz., historical, administrative, and judiciary, in the personal and disbursing branches of the secretariate.

The ministry of state is also assisted by two committees, viz: a board of control relating to the public works connected with the Louvre, and a special service to that effect, and a permanent board relating to historical monuments.

2. The *minister of justice*, or keeper of the seal, is charged with the organization and the superintendence of all parts of the judiciary. He is in constant correspondence with the solicitor general concerning all matters which are subject to the action or pertaining to the administration of the public ministry. He attends to the nomination of ministerial officers and superintends the organization of notaries. He draws up reports to the Emperor on all subjects relative to the administration of justice; on the demands of dispensation of age and parentage in marriages; on naturalization; on the application for pardons and the commutation of penalties. He prosecutes in criminal cases and watches over the execution of verdicts. He promulgates the laws, and retains the original of the same. He has, finally, charge of the direction of the imperial printing establishment, and of the publication of the *Journal des Savants*.

The ministry of justice consists of a general secretariate, with three bureaux; of a direction of civil affairs and of the seal, with four bureaux; of a direction of criminal cases and pardons, with three bureaux; of a direction of accounts and pensions, with two bureaux.

The minister is assisted by a council of administration, composed of directors, and presided over by the general secretary.

The imperial printing establishment is administered by a director, assisted by six chiefs of the service: 1st, for the administrative; 2d, for all concerning typography, lithography, &c.; 3d, for the superintendence of the transmission of the *Bulletin des Lois*, and of all publications and works of the imperial printing establishment; 4th, for accounts and comptrol; 5th, for accountability in raw material and in money; and 6th, for the superintendence of the interior service of the establishment.

The director is assisted by a committee for the examination of those works of which a gratuitous publication is demanded.

3. The *minister of foreign affairs* is charged with all that regards relations with foreign countries. He negotiates treaties of alliance and commerce, and attends to their execution; he is in correspondence with diplomatic and consular agents, and is in intercourse with the foreign agents accredited near the emperor.

This ministry consists of—

A. Bureau of protocol for the despatch of treaties or conventions, &c.

B. Direction of political affairs, divided into a sub-direction for the north and for America, and a sub-direction for the south and the Orient, charged with the correspondence and business relating to the respective countries in the respective divisions; and a sub-direction of litigious business, i. e., claims of Frenchmen against foreign governments, and *vice versa*.

C. Direction of consulates and commercial affairs, divided into sub-directions for the north, for the south and the Orient, and a bureau for America and the Indies.

D. Direction of the archives and the chancellery, consisting of a depot of cor-

respondence and diplomatic documents, and of a bureau of passport; legalizations, viz., as of claims of individual citizens against foreign governments.

E. Direction of the funds and accounts allowed to general and particular business relating to the expenditures of the ministry.

4. The *minister of the interior* has under his control the bureau of prefects, sub-prefects, councillors, of prefects, and mayors. He superintends the execution of the laws relative to electoral assemblies and national guards, the general administration of the provinces and communes, of hospitals, charitable institutions, and the distribution of relief to the poor; the prisons, central police stations and penitentiaries, the telegraphic wires, and all that relates to public safety. The printing establishment, the library, the censure office, and that of colportage are annexed to his ministry.

The ministry of the interior consists of—

A. The office of the minister, with two bureaus.

B. General secretariate, with three bureaus.

C. Division of general and departmental administration, with three bureaus.

D. Division of commercial and hospital administration, with four bureaus.

E. Division of prisons and penitentiaries, with three bureaus.

F. Two divisions of general direction of public safety, with, respectively, four and two bureaus.

G. Two divisions of telegraphic service, with, respectively, two and three bureaus.

H. Direction of accounts, with four bureaus.

5. *Ministry of finance*, (Treasury,) charged with the administration of the national resources, namely, public revenues proceeding from direct and indirect duties and taxes, from domains, forests, tobacco, post, and all monopolies, (*régies*,) and enterprises which yield an income to the treasury. The finance minister pays all public expenditures decreed by the different ministers, in accordance with legislative appropriations, inscription on the *rentes*, (public securities,) pensions, and moneys serving as securities, the debts of the state, and all transactions of the treasury. He superintends the public treasuries and responsible accountants, all matters relating to the receipt and the appropriation of public moneys, takes proceedings against the bondsmen of responsible accountants and against the debtors of the treasury, and verifies the coinage and fineness of money. Besides, he is bound to submit the general budget to the legislative body, and to attend to the definitive settlement of the public accounts. The ministry of finance is divided into two distinct parts: firstly, the central administration; and, secondly, the administrations which are under its control.

First. The central administration consists of—

A. The minister's office and inspector general's office, with one bureau each, respectively.

B. General secretariate, with two divisions, namely, central bureau with two bureaus, accounts of the ministers' expenses, &c., &c., and financial administration, with two bureaus, domains, forests, direct taxes and mints, custom-houses, indirect taxes, tobacco and mints.

C. Law officer of the treasury, attending to all litigation connected with the treasury, with three bureaus, and having sub-law offices in every principal division of the treasury.

D. Direction of the general distribution of public expenditures of home and foreign service, with four bureaus.

E. Direction of the inscribed public debt, with five bureaus.

F. Direction of the general comptrol of the finance department, with five bureaus.

G. Treasurer's office, with two bureaus.

H. Division of central comptrol of the daily receipts and expenditures of the treasury, three sections.

Secondly. The administrations under the control of the treasury—

A. General direction of direct taxes, with two divisions and, respectively, two and one bureaus.

B. General direction of registry and domains, with two bureaus, containing the director general's office and the office of litigious cases, and four divisions, consisting each of four bureaus.

C. General direction of customs and indirect taxes, consisting of the following three bureaus, namely, customs, indirect taxation, and direct taxation, and of six divisions :

1st division, (three bureaus.) Customs tariff; colonial and transatlantic, and commercial and merchants' navy statistics.

2d division, (4 bureaus.) Land boundaries; ports and coasts; other limits; general liquidation and regulation of the expenditure of the general direction.

3d division, (three bureaus.) Seizures and inspection of the custom-house laws; premiums on exports; general estimate of salt production, and fisheries.

4th division, (four bureaus.) Administration of laws regulating drinks and public carriages; direction of indirect taxation in 33 departments, (provinces;) direction of indirect taxation in 27 departments, (provinces)—the other departments included in the custom-house service; legal documents relating to seizures and other litigious business.

5th division, (three bureaus.) Navigation on rivers, streams and canals; tariff and regulation of towns' dues, pension-list and bonds of all custom-house and indirect revenue officers.

6th division, (tobacco and powder—in four bureaus.) Direction of the service in the stores and manufactories of tobacco, culture of tobacco in France and Algeria, distribution of tobacco (in leaves) among the manufactories, and orders and distribution of powder, comptrol regarding tobacco and powder.

D. General direction of the post, (two bureaus,) namely: director general's office, and two divisions, namely, first division, (six bureaus and archives,) home correspondence, foreign correspondence, inspection and reclamations, franking privileges, infractions, verification of revenue, dead letters, &c.

Second division, (five bureaus.) Establishment and suspension of relay stations, (diligences,) transmission of despatches, budget, accounts, printed and various other matter, articles of money.

Active service, (six bureaus.) Arrival and departure of mails, distribution of letters in Paris, prepaid and registered letters, prepaid and registered journals and printed matter, poste restante letters, dead letters, and misaddressed letters.

E. General direction of forests, in three divisions :

First division, (two bureaus.) Budgets, accounts, works of improvements in regard to forests, purchase of real estate.

Second division, (two bureaus.) Clearing of forests, laws regarding forests, examination of general and particular functions.

Third division, (two bureaus.) Civil matters, questions of deportment and of menial service, police matters, appeals, &c., &c.

F. Board of merits and medals, consisting of a president and ten members, with the function to comptrol and superintend the coinage of moneys and medals in every part of France, and assisted by verifiers, assayers and engravers.

6. *Ministry of war*, intrusted with the defence of the state, recruiting and organization of the land forces, administration of arsenals and manufactories of fire-arms, and of powder and saltpetre; provisions for the men and the horses; clothing of the troops; mounting of the cavalry; quartermaster's department; military equipages. These are among the principal and most important functions of the minister of war. Besides, he is charged with the preservation of the archives, the civil status of the army, &c., and the high administration of Algeria.

The minister's office consists of the service of despatches, particular and secret

business, and business that does not come within the duties of any special bureau.

The ministry is composed of—

A. First directoriat, five bureaus; general correspondence and military operations; staffs; military schools; recruiting and military justice; infantry. (Special direction of cavalry and police force, two bureaus.)

B. Second directoriat—(artillery, two bureaus.)

C. Third directoriat—(engineer corps, two bureaus.)

D. Fourth directoriat administration—(five bureaus.) Military intendance, transports, quartermasters; military provisions, fuel; medical officers, military hospitals, invalids; equipment, encampment, harnesses; pay; accounts.

E. Fifth direction, Algerian affairs, (four bureaus.) General and municipal administration; colonization and domains; public works, mines, forests, diverse taxes; commerce, customs.

F. Sixth direction, war office, (two sections.) Geodesy, topography, drawing and engraving, historical archives, libraries, charts and plans.

G. Seventh direction, general accounts, (five bureaus.) Control of expenditure, litigation, budgets, funds, decrees, general accounts, subject-matter of accounts, pensions, relief, laws, archives, decorations.

The minister of war is assisted by seven consultation committees, namely: 1, staffs; 2, infantry; 3, cavalry; 4, police force; 5, artillery; 6, fortification, and 7. Algeria; and further, by a board of health for the armies, by a board of health for the horses, (*hygiène hippique*), and by a mixed board for public works.

The following public offices are also under the control of the minister of war, namely: The central depot of artillery; the powders and saltpetres; and the Imperial Hospital of the Invalides.

7. *Ministry of the navy and the colonies* comprises the personal and material forces of the imperial navy, the impressment for the naval service, the direction of commercial navigation and maritime fisheries, maritime tribunals, naval constructions, arsenals, iron works, forges and worksteads of the marine hospitals, the support of naval ports, the administration and the superintendence of the convict establishment, the establishment for invalid naval officers, the military, civil and judiciary administration of the colonies.

The ministry consists of—

A. The minister's office, (two bureaus.)

B. Directoriat of the personal forces, (six bureaus.) Military and civil employés; organized corps of the department of the marine; impressment for the naval service; superintendence of navigation; fisheries and maritime public domain, maritime justice, pay and compensations of all kind.

C. Directoriat of the material forces, (four bureaus.) Naval construction and hydraulic works, stock of artillery in the arsenals and on board of men-of-war, general arrangements, provisions, hospitals, &c.

D. Directoriat of the colonies, (three bureaus.) Political and commercial system, legislation, justice, education, religion, civil, judiciary, ecclesiastical and military officers, finance, and supplies of provisions.

E. Directoriat of general accounts, (five bureaus.)

F. Treasury of the invalids of the maritime service, (three bureaus.)

The minister of the navy is assisted by—

1st. A board for seizures, (prizes.)

2d. A consultation committee for the colonies.

3d. A committee of surveillance of colonial banks.

4th. A superior commission for the treasury of the invalids of the maritime service, and

5th. A superior commission for the improvement of the system of training in the imperial naval school.

The following public offices are also under the control of the minister of the navy :

The general depot of maps and plans of the navy and the colonies, and the depot of fortifications of the colonies.

8. *Ministry of public education and of religion*.—In the former capacity the minister controls the whole educational system, the chief administration of superior, secondary and primary public schools, and of scientific and literary institutions, and has the surveillance of all institutions in France in which instruction is gratuitous. As minister of religion he attends to the execution of the laws connected therewith ; he publishes the bulls, pastoral letters, and rescripts of the Holy See ; he proposes to the Emperor nominations for archbishoprics and bishoprics, for the canons of St. Denis, and he submits for the Emperor's approval the nominations made by the bishops, as well as by the ministers, pastors, and rabbis ; he regulates the boundaries of parishes, congregations, and synagogues ; he provides for the temporary administration of diaconal establishments, authorizes the acceptance of donations made to religious bodies, attends to the preservation of religious buildings, and, finally, extends his surveillance over religious congregations.

A. The ministry consists of the secretariat of the ministry of education and religion, with three bureaus, namely : subscriptions, missions, historical labors, scientific bodies, literary and scientific institutions, public libraries, proceedings of the superior council ; archives.

The academical administration and that of superior education is divided into three divisions : first, with two bureaus, academical administration ; personal forces of superior education ; second division, two bureaus, secondary schools ; third division, two bureaus, primary schools.

B. The general directorate of the administration of religion is divided into : 1st division, (Catholic denomination,) two bureaus, clergy and ecclesiastical police, parish service, litigating religious congregations ; 2d division, (Catholic denomination,) two bureaus, temporary administration of diocesan establishment, preservation of religious buildings.

Section of non-Catholic denomination, personal forces, organization and limits of congregational duties, oratorios and synagogues.

C. Division of central accountability, (three bureaus.) The imperial council of public education, presided by the minister, is called upon to give its advice on all questions interesting to education. He also decides, in last appeal, on the verdict of the academical councils according to the 16th article of the statute of March 15, 1850. The ministry is attended by, first, a central committee of patrons of public asylums ; second, a committee of the French languages, history, arts, divided into three sections, namely : philology, history, archaeology ; third, a commission of the fine arts and religious buildings, divided into three sections, namely : architecture and sculpture, painted glass and religious ornaments, organs and sacred music.

9. *Minister of agriculture, commerce and public works*.—In regard to agriculture the minister has to attend to the improvement of agricultural labor, to the administration and the instruction in the various agricultural and veterinary schools, to the preparation of laws and regulations relating to agriculture, to the distribution of relief for losses proceeding from disastrous accidents and cattle diseases, to the study and the application of legislation to the question of food.

In regard to commerce, he prepares the laws and regulations concerning the domestic commerce, the industrial arts and manufactures ; he controls the industrial schools, pension and savings banks, insurance companies, anonymous societies, the sanitary police, and that of weights and measures. Besides he is charged with the preparation of tariffs and custom-house laws, of the centralization and publication of documents relating to the commercial and maritime

legislation of foreign countries, as well as all matters pertaining to the general movement of commerce and navigation.

As regards public works, he attends to the preservation and improvement of river, steam and canal navigation, of the great means of inter-communication, as railways, high roads, bridges, pontoons and ships. Further, he attends to the exploration and concession of mines, the administration of metallurgical worksteads and the construction of light-houses.

This department also comprises the service of harnesses and the general statistics of France.

The ministry is composed as follows :

General secretariat, (one bureau.)

Division for personal forces, (two bureaux,) nominations, promotions and changes, expenses, indemnities, relief, pensions, litigation.

Division of accounts, (three bureaux,) central operations and decrees, accounts relating to agriculture and commerce, to bridges, high roads and mines.

Depot of maps and plans. (archives,) presided over by an engineer.

Bureau of the general statistics of France; centralization, elaboration and publication of the documents relating to the continuation of the general statistics of France.

Division of agriculture, (three bureaux,) agriculture and veterinary instruction, encouragements to agriculture and relief, legislation relative to provisions.

Division of stables, (one bureau,) administration of the stables and depot of spurs, encouragement to hyppic industry, (relating to horses.)

Division of interior commerce, (three bureaux,) preparation of laws and regulations relative to interior commerce, authorization of anonymous societies, life insurances, &c., industrial arts and manufactures, sanitary and industrial police.

Division of foreign commerce, (three bureaux,) legislation and custom-house tariffs in France, commercial legislation and tariffs in foreign countries, general movement of commerce and navigation.

General directorat of bridges and high roads and railways.

Section of high roads and bridges, division of high roads and bridges, (two bureaux,) imperial high roads, departmental high roads, police of traffic.

Division of navigation, (two bureaux,) naval ports, navigable canals, navigable rivers and accessible to fleets.

Hydraulic bureau, water courses, and various studies.

Section of railways, (two bureaux,) projects and concessions, works.

Section of railways, in exploration, (two bureaux,) commercial exploration, technical exploration, central statistical railway bureau, collection of statistics of engineers, inspectors and companies.

Mines, included in the general secretariat.

Division of mines and worksteads, (two bureaux.)

Bureau of mineralogical statistics.

The ministry is assisted by, first, a superior council of commerce and agriculture and industry; second, a general council of agriculture; third, a commission of registry of matriculation for the inscription of animals of pure race and of the bovine species; fourth, a commission for a bank for old people; fifth, a consultation committee on the public sanitary condition in France; sixth, a commission of stables; seventh, a central commission of races; eighth, a consultation committee on arts and manufactures; and 11 more committees, altogether 19. The ministry also controls a great number of imperial schools, &c., &c., &c.

The total number of persons more or less connected with the public service in France are estimated at about 250,000, exclusive of the army and the navy. Indeed the number is so great that, although a law passed in 1849 made it incumbent upon the government to render an account of all the persons employed, this law has not been acted upon, the government declaring that to

carry it out would require the publication of at least 50 quarto volumes of 600 pages each, and entail an expenditure of upwards of 500,000 francs.

The following list gives a tabular statement of these 250,000 persons. Under the control of the minister of finance are :

Revenue assessors.....	1, 000	
Revenue collectors.....	7, 700	
Registry and stamps.....	3, 600	
Forests.....	3, 400	
Customs.....	30, 000	
Indirect taxes.....	18, 000	
Postal service.....	17, 000	
Mint.....	200	
Court of accounts.....	100	
Bureaus of the ministry of finance.....	2, 000	
		83, 000
Bureaus of the ministry of justice.....	100	
Bureaus of the public instruction.....	150	
Bureaus of religious instruction.....	60	
Bureaus of the navy.....	250	
Bureaus of war.....	460	
		1, 020
Bureaus of the interior.....		230
Bureaus of commerce and agriculture.....		140
Bureaus of public works.....		150
Bureau of foreign affairs.....	90	
Under the control of foreign affairs, viz : diplomatic and consular agents.....	310	
		400
Agents employed in the navy and arsenals.....	6, 000	
Agents employed in the army.....	6, 000	
		12, 000
Commercial and departmental organization : 86 prefects, 7 secretaries general, 278 sub-prefects, 329 counsellors of prefecture, 4,000 mayors.....		4, 700
Public works.....		2, 700
Surveyors and naval officers.....		161
Inspectors of rivers and navigation.....		17
Agents of agricultural and industrial establishments.....		700
Ministers of religion, Roman Catholic.....	40, 800	
Protestant.....	755	
Hebrew.....	114	
		41, 669
Judiciary.....		14, 872
Justices of the peace.....	2, 847	
Deputies of justices of the peace.....	5, 694	
		8, 541
Education, viz : professors, teachers, &c., not including the special administrative schools.....		40, 000
		210, 300
Sundries, of which no official estimate is accessible, about.....		39, 700
		250, 000

C.—GENERAL PRINCIPLES RESPECTING ADMISSION TO THE FRENCH CIVIL SERVICE.

The special schools are most fertile in supplying the state with able public officers.

These are the various polytechnic and military academies; the naval academy; the normal school, for teachers; the school of forests; of charts; of foreign languages (called *écoles des jeunes de langues*, school of languages for the young, because boys from 8 to 12 years are admitted there, languages being more easily learned at this early than at a more mature age;) the veterinary school, &c.

In most of the branches of the revenue, customs, and treasury services, the candidates are subjected to repeated examinations.

In many of the branches of the public service candidates must possess diplomas attesting to their proficiency in law or in literature.

The probationary system exists in many branches of the service, to which young men are, as it were, put in apprenticeship under the name of pupils, auditors, supernumeraries, attachés, aspirants, or auxiliaries.

The word "pupil" (*élève*) is employed in the consular, telegraph, and surgical service. That of auditor is applied to the young men attached to the council of state; in the central and treasury bureaus the probationers are styled supernumeraries, and aspirants to the supernumeraryship. In the ministry of interior they are called attachés, as well as in the ministry of foreign affairs and in the foreign legations. In the bureaus of public works, in the sanitary bureau, and in various branches of the war and army department, the probationers are called auxiliaries. In some cases these titles do not imply the possibility of promotion, but generally they do, and in almost all cases it would be next to impossible to obtain an office without having served in one or the other probationary capacity. Those who prove to lack in zeal or in capacity are dismissed. If not dismissed after three months in the postal service, after two years in the department of the interior and the direct revenue bureaus, and after six months in the bureaus of public works, the respective probationers are sure to be appointed to some permanent office. In other branches of the public service the term of probation varies according to circumstances, and in *all* cases it is subordinate to the relative merits of the candidates, and the number of vacations of which they have availed themselves. In the navy department no person is admitted to the bureaus of the minister who has not been previously employed three years in some other branch of the department. Persons who have been employed seven years in the civil service, or whose office happens to have been abolished, may be appointed collectors of revenue without serving as supernumerary in that branch of the service.

The system, however, of examination and competition is only fully perfected in those branches of the service which are recruited from the special schools and comprising the army, the navy, and several kindred avocations, and the educational bureaus. Although the admission to other branches of the services is hemmed in by various regulations, comprising probation and examination, they cannot be expected to attain the same perfection as in the military, naval, and pedagogical service, until a special school exists for each principal branch of the public service; and candidates for the treasury, interior, and judiciary and other departments are recruited from those that have been disciplined in special schools, whose aptitude for the service has been sedulously developed from their earliest infancy.

Singular anomalies continue to exist; so-called diplomats, for instance, may be appointed to important foreign missions without having passed through the ordeal of examination, or having given the evidence of possessing the first

essentials of a qualification for their important duties, which they do not hesitate to exercise. The same applies to some extent to the magistrature and the judiciary.

The consular service is better perfected, the system of consular pupils having been in successful operation since the times of Louis XIV. The diplomatic service, on the other hand, is altogether chaotic, and the transfer of young attachés to the ministry of foreign affairs and attachéships of legations seems to be discretionary with the minister, and hence objectionable. Napoleon I charged the Count de Hauterive with the elaboration of an appropriate system for the diplomatic service, but nothing came of it. Polignac in 1830 established in the ministry of foreign affairs a course of public law and diplomatic instructions, destined for 24 pupils, but the July revolution crushed this establishment in its bud, and nothing has been done about it since.

It will be difficult, of course, to establish special schools for each separate branch of the public service; but no doubt that M. de Girardin's ideas on the subject, namely, the establishment of new professorships for teaching the principal branches of the public services, are entitled to serious consideration.

Promotions can take place in all the ministries after two years, excepting in those of the interior and public instruction, when employés may be promoted after one year's service. The mode of promotion varies in the different departments. The general rule is not to make any nominations, excepting among the titularies of the grade or the class immediately inferior to the vacant office. This rule is strictly adopted in the army, the public works and mines, the consulates, the university, and in the financial administration and the central war department, in the ministries of foreign affairs, of justice, of religion, of the navy; only a portion of the intermediate offices of writers, chief clerks, subchiefs, is reserved for the purpose of promotion.

No rule has been laid down for the still higher offices. In the war department the mode of promotion is defined by stringent regulations, from the smallest office up to the chiefs of bureau. In the ministries of the interior, of commerce, and of public instruction, the offices are accessible to all the functionaries without distinction, only that measures are taken to prevent promotion from being too rapid.

But the nominating power uses discretionary power in the conditions upon which promotion is contingent. The deputy inspector general of finance must have made two tours of inspection. The employés of the direct revenue bureau are called upon to execute certain labors for the central administration. Examination is resorted to for the inferior treasury and war office employés who still occupy probational positions. When there is no examination the intermediate chiefs of the respective bureaus are called upon to render accounts, at stated periods, of the capacity of their subordinates.

Promotion is dependent, therefore, in some cases, upon probation; in others upon examination; and in others upon the report of superior officers. However, in the army, in the public works, in the mining department, the university and the financial bureaus, the various offices are *reserved only for those who have commenced to serve from the lowest grade.*

Special examinations are held for verifiers of weights and measures and for several other public servants; and, on the whole, there are few persons occupying public offices in France, excepting the diplomatic service, who have not proven their competence by probation or by examination or by authoritative testimonials.

The members of the clergy, of the magistrature, of the army, and of the diplomatic service, must be native-born Frenchmen. In the other branches of the public service, the government may admit those who have declared their intention of becoming naturalized citizens.

The most stringent inquiries are made into the integrity, good morals, and upright character of the candidates for the public service.

Women are only employed in the postal service, and, strange to say, are not allowed to occupy posts the salary of which exceeds 2,000 francs annually. They may be also employed in the stamp and printing bureaus, but rather as mechanics than as functionaries. As regards opening the civil service to competent women. France is decidedly far behind the United States, superior as she is to this country in all the other principles regulating the civil service.

APPENDIX K.

EXTRACTS FROM HOUSE REPORT No. 8, 39th CONGRESS, 2d SESSION.

From the testimony of Abraham Wakeman, surveyor of customs for the port of New York :

The duty of an inspector of customs is one of the most important that can be assigned to the revenue officers. In the port they have charge of the landing of all the goods on board a vessel, comparing the cargo with the permits and the manifest, and therefore it requires a good deal of judgment and care and precision in the performance of this duty; and so much depends on it that I have been anxious that the grade of inspectors should be increased rather than diminished. I am sorry to say that many of our new incumbents are not quite up to what I should desire. We have had a list of very excellent officers, indeed. Their great experience and general faithfulness has enabled me to perform the duties of this part of the service with great success.

Question. How do you account for the fact that the new appointments are not up to the proper standard ?

Answer. No man can come into the office of an inspector without experience and perform the duty well at once. It requires time to become acquainted with his duties; it requires time to learn the manner of performing the service, and experience is a great thing in it, to say nothing of the business tact and management that are essential.

Q. Then why do you change from experienced to inexperienced men ?

A. I do not change. The changes are made, I suppose, on personal grounds by the collector. A collector coming into office has his own friends to serve; he has his own friends to put into place, and he feels that they must, to some extent, be provided for. Changes, therefore, have been made to a considerable extent.

Q. What effect would it have upon the public service if officers of this class were appointed for qualifications only, to be ascertained by personal examination, and by their previous conduct and character ?

A. I am unhesitatingly of the opinion that, if it could be done, it would be a very advantageous arrangement for the public service.

Q. Would it not be an improvement, also, to have a term of office, or have the tenure of office more certain and fixed than it is now ?

A. Unquestionably.

Q. Would it not also promote the service to have promotions made for merit ?

A. Undoubtedly so. And I should say, in this connection, that those persons who are nominated by the collector for appointment to the Secretary of the Treasury are, by the regulations, required to be examined by the head of the department in which they are to serve. For example, if they are inspectors, it is necessary, before they are nominated—that is the phraseology of the regulation, but it is not carried out—they should be sent to my department to be examined. The practice is, that before a man enters upon his duty as inspector, he is sent down to my department to be examined as to his qualifications. In several instances, in quite a number recently, I have rejected men who were incompetent. The difficulty is that—I think more through inattention than anything else—these nominations are made to the Secretary of the Treasury, and the men are appointed and come down to my office to take their place and be assigned to duty before they are examined. I am asked to examine a man and the next minute to put him on duty, and frequently that has involved trouble; but I have not hesitated to reject a man where I found I could not conscientiously pass him. We have had repeated cases of that within the last few months.

Extract from the testimony of J. H. Stedwell, deputy collector of customs at New York :

I believe that the efficiency of the entire revenue service would be increased by making the tenure of office dependent entirely upon the good behavior of the incumbent, and not

upon the caprice or political opinion of the appointing power. I say that from my observation of the comparative efficiency of tried and experienced officers to the new officers who are sent in—sent in, many of them, for political reasons—who feel that their office is more dependent on their political fidelity and services than upon their clerical ability.

Question. And that applies as strongly to the officers in your division, under your charge, as to any in the department?

Answer. It is a rule of general application, I think.

Extract of a letter addressed to the Secretary of the Treasury, April 19, 1864, by the Commissioner of Customs, proposing a plan for the prevention and suppression of smuggling:

I hold it to be sound policy for a government, as well as individuals, to pay such prices as will command the services of competent, faithful, and conscientious men, and then to exact of them the most rigid performance of their duties.

It is the experience of every business man that he who will not pay well will not be served well, and the rule is quite as applicable to governments as to individuals. In many instances heretofore men have been employed at small salaries, or per diem, with the understanding that their whole time would not be required, and that they might, when unemployed, attend to their own private affairs.

In such cases it generally happens that the government comes in for but a small share of their time, and is served with such indifference and carelessness as to render the service little better than none at all.

But the government has been victimized in times past by another most reprehensible, not to say fraudulent, practice. It is known that men have been appointed as custom-house inspectors, at compensations varying from \$1 50 to \$2 50 or \$3 a day, who were never required to perform a single day's service, and whose only attendance at the custom-house was for the purpose of receiving and receipting for their pay. Such appointments were made as rewards for past or expected political labors or influence, and were so understood by the appointees, who felt under no obligations, not even a moral one, to render any service to the government whose money their consciences did not forbid them to take.

What the political morality of a community must be where such frauds can be practiced upon the government without calling forth a burst of popular censure and remonstrance I need not attempt to describe. Men thus appointed, and thus perpetrating a continuous fraud upon their country, could hardly be expected to exhibit any very extraordinary indignation should some one, desirous to evade the revenue laws, chance to tempt them with money to favor such evasions.

One of the obstacles in the way of bringing these custom-house employes to a proper sense of what is due from them to the government has been the idea that they were appointed to their positions in consequence, and perhaps in payment, of services rendered to the party having possession of the government, or of some friend to whose political influence they conceive themselves indebted for their positions, and who they imagine can alone displace them.

I need not say that such ideas, the natural product of practices in which they have their origin, are calculated to paralyze the public service and destroy its efficiency.

ORGANIZATION AND ADMINISTRATION OF THE REVENUE SYSTEM.

Under the terms of the act authorizing the commission they were required to consider the best and most efficient mode of raising the revenue, and were intrusted with power to "inquire into the manner and efficiency of the present and past methods of collecting the internal revenue."

In accordance with this provision the commission have devoted as much time as was at their command to the consideration of the above subject.

It must be obvious, in the outset, that however perfect may be the system of revenue law devised, unless an efficient and judicious administration of the same is also provided for, the results will be anything but satisfactory.

As the case now stands, there can hardly be said to be any general and efficient organization of that department of the revenue which relates to the customs. The system devised in the infancy of the nation has been gradually enlarged and modified to meet the requirements of an increasing and now enormous commerce; but so imperfectly and irregularly has this been done that the whole system at present seems wanting in method and centralization; and the government, in this department of its business, is obliged, as it were, to do the work of a giant with the toy instruments of a child. The commission believe, furthermore, that there is not, at this time, any individual connected with this branch of the revenue who possesses such an acquaintance with the relations of our customs system to the trade and commerce of the country as is possessed by the supervising official of the customs departments of either Great Britain or France; and, what is more, there probably never will be any such so long as appointment and continuance in office are made dependent on political considerations.

As regards the New York custom-house, the channel through which about two-thirds of the custom receipts of the whole country pass, want of time has prevented the commission from making extensive personal inquiry; but, judging from the numerous statements presented to them, and from the evidence elicited by the Committee on Public Expenditures, (H. of Rep., 38th Cong., 2d sess., Report No. 25, 1865,) they feel satisfied that the necessity of reform in the manner of doing business in this institution was never more urgent than at present.

Of the officers employed in the New York custom-house, it is believed that a majority of them have no special qualifications for their places, and little knowledge of the law under which they discharge their duties; while the estimates presented to the commission of the annual losses experienced by the government, through the frauds perpetrated in connection with this institution, range from \$12,000,000 to \$25,000,000.

It ought to be clearly understood by the people of the country that a continuance of this laxity in the management of the customs revenue is equivalent to increased taxation, and that every dollar taken from the revenue under various pretences in this department must, necessarily, be made up by an equivalent assessment.

In regard to the internal revenue department, the commission have no allegation of fraud to present, but at the same time are constrained to say that, in point of organization, it is very far from what it should be. In proof of this they have but to cite the opinion of the late Commissioner, before referred to as concurred in by the commission, that if the law, as it now stands, could be fully and effectually executed, the receipts from it would not fall short of \$500,000,000 per annum; or, in other words, that a complete administration of the law would justify wiping out more than one-half of the excise tax from the statute-book.* If we admit the truth of this statement, even in an approximate degree, the commission might here rest their argument in favor of the necessity of reorganization. They will, however, briefly call attention to some of the leading imperfections of the present system.

One of the most prominent of these is a lack of power and authority in this department to control itself, especially in the matter of expenditures. In regard to this latter, the law itself allows but little discretion; and what little there is is vested in officers of the Treasury Department, who, although they may be the most faithful and vigilant guardians of the public moneys, have little or no experience in connection with the collection of internal revenue, or practical knowledge of its workings. It therefore, undoubtedly, often happens that in an honest desire to prevent the waste of public money, a small sum may be saved at an expense of one of much greater magnitude.

Thus, as illustrations of this character brought to the notice of the commission, they might cite cases where vigilant officers, who have devised plans at slight expense for simplifying returns or detecting fraud, have been obliged, after the government has adopted their recommendations and been benefited by their services, to have the small expenditures thus incurred deducted from their salaries—a course equivalent, in fact, to offering a premium for continued inefficiency and want of method. Again: officers who have been detailed on special service, and have performed such service, bringing back thousands of dollars to the treasury, have had their accounts for small expenditures, even when approved by the Commissioner, disallowed or reduced by the auditing officers. The commission would not be understood as intending to censure the auditing officers for the course pursued by them, as it was undoubtedly in strict accordance with the law; but they would say that they do not think it is for the interest of the government or the country to allow the revenue system to be curtailed of its usefulness, either by reason of such laws, or by any special interpretation placed upon them.

Another cause of imperfection in the internal revenue system is undoubtedly due to a limitation in the number of highly competent and responsible officers, and to the inadequacy of the salaries paid to them. Starting less than four years since with one Commissioner and one clerk, the business of the internal revenue has increased to such an extent that probably it now exceeds in magnitude the entire Treasury Department previous to the war, and is at present receiving more money every quarter than the whole annual revenue of the government prior to 1860. The amount of mailable matter which leaves the office is reported to average one and a half ton daily.

With all this labor and responsibility, the internal revenue is but a bureau of the Treasury Department, and, with the exception of the Commissioner, deputy commissioner, and cashier, no provision has been made for clerical assistance independent of the department.

With the present organization of the office, the commission believe that no one man can be found mentally or physically competent to faithfully discharge all the duties devolving upon and expected from the Commissioner; while the clerk in charge of the division of accounts is required to possess as high an order of qualifications, and to perform more intricate, responsible, and laborious duties than any employé of any private firm or corporation

* Thus a committee of the association of journeymen boot and shoe makers of the city of New York, in a return to the commission, estimate the value of the boot and shoe industry in that city as being \$16,867,200 per annum. Deducting 50 per cent. from this to represent the exemptions of \$1,000 each to each manufacturer, allowed by law, and for over-estimates, the amount of revenue which ought to have accrued to the government from this source, under the six per cent. manufacturing tax, would be \$506,016, while the amount actually collected was less than \$100,000.

in the country. The salary of the former of these officials is now fixed by law at four thousand dollars per annum, and that of the latter at eighteen hundred dollars.

The operations of the internal revenue, and also of the customs, affect the character of nearly every industrial and moneyed interest in the country; and all experience has shown that great numbers of designing persons are ever on the alert to take advantage of imperfections in the law, and of the inexperience of officials, to evade the law and defraud the government.

The only counter-check, therefore, for government to rely upon is the integrity, faithfulness, capacity, and experience of its agents; and for the government to endeavor to procure and retain the services of men competent to discharge responsible trusts at less salaries than are paid by leading banks or private mercantile firms or corporations, will not only, probably, be impossible, but will result in very poor economy.

The system under which drawbacks are allowed on products of American industry exported from the country which have previously been subjected to excise is also represented as being very imperfect and complicated, and as presenting an obstacle to the resuscitation and development of our trade with foreign nations, impaired by the events of the last four years.

With the adoption, however, of the policy recommended by the commission, viz., of removing the excise from nearly all products of industry, many of these difficulties will undoubtedly be obviated.

The present system of the allowance of moieties of forfeitures and penalties to informers is also undoubtedly exercising a very demoralizing influence. In a mere pecuniary point of view, however, no expenditures of the government probably produce so large a return, both direct and indirect, as flow from the distribution of these moieties, and so long as the present organization of the revenue is retained the commission find it difficult to devise a better arrangement.

Attention should also be called to the fact that the chief business of the office of the internal revenue at Washington, and the chief depository of its records and papers, are located in a building which is not fire-proof, and that at any moment the whole machinery of the department is liable to be thrown into great confusion, with the infliction of irreparable losses, by reason of circumstances against which there is now no adequate provision.

But an imperfection in our whole revenue policy more serious and radical than any yet adverted to, and which affects alike both the customs and the excise, is that of making the appointment, retention, and promotion of officers of the revenue dependent on other circumstances than qualifications or good behavior. So long as this policy prevails—a policy never adopted by any private firm or corporation having a due regard to their own interests, and one entirely ignored by all the leading states of Europe—a thoroughly efficient and economical administration of the revenue, coupled with the education of a competent corps of officials, cannot reasonably be expected. Under the present system, inspectors of spirits have been appointed who were entirely ignorant of the hydrometer and disregarded its use; and inspectors of tobacco who require to be instructed as to the nature of the different varieties of this article when manufactured, previous to entering upon the discharge of their duties.

The commission are also informed that efforts for the removal of competent officers have, in some instances, undoubtedly been made for the sole reason that in the faithful discharge of their duties they have interfered with the private interests of wealthy and influential individuals.

The commission consider it imperative that some action should be speedily taken by Congress on this subject; and that the necessities of the country should override any advantages that now may accrue in the distribution of patronage in the revenue department of the government. Good men, honest, competent, and efficient, should be sought out and placed in all the positions requiring tact, skill, and judgment, and on such salaries as will enable them to live and continue honest; they should, moreover, hold their situations by such assured tenure as to induce application and faithfulness. Thus would the government have the benefit of experience, every year growing more and more valuable.

To remedy the imperfections of the existing revenue system, which the commission have thus briefly alluded to, an entire reorganization of the whole machinery and policy of its administration seems necessary; but, before offering any suggestions on the subject, they would call attention to some of the peculiarities of the administration of the British revenue.

The leading features of the British administrative system consist in placing the customs and excise under the charge of separate and distinct boards of commissioners, each consisting of five members and a secretary. To each is also attached a law officer of great ability and large salary,* which are respectively known as the solicitor of the customs and solicitor of the excise. To these separate boards of commissioners (which the commission understand it is now contemplated to unite) very large powers are intrusted to make and amend the regulations under which the revenues are to be assessed and collected, and in respect to the appointment of all subordinate officials, who, before receiving such appointments, are required to undergo strict examinations as to education, business qualifications, health, and moral character. No distribution of moieties of fines and forfeitures to informers

* The salary of the solicitor of customs is £2,000, (\$10,000 in gold,) and the appointment is for life.

is allowed, but the boards of commissioners are empowered, at discretion, to pay for information, to distribute rewards, and to promote in office for good service.

Superannuated and faithful officers are also allowed pensions on retirement from office. To such an extent, moreover, is the British revenue, in all its departments, divorced from party and politics, that all officers and employes of the revenue are even deprived of the right of suffrage while in service, though otherwise qualified; while it is understood that no influence on the part of any member of Parliament, or even of the chancellor of the exchequer, will avail for the securement of an appointment under the revenue, unless the candidate receive, at the same time, the approval of a majority of the board of commissioners, under whose supervision his duties are to be discharged. The consequence of this is, that the administration of the British revenue law is constantly improving, while frauds and defalcations on the part of the officials are rarely, if ever, heard of.

The responsibility of the collection, preparation, and publication of statistics of British revenue, trade, and commerce, to the accuracy and clearness of which we would bear testimony, is divided between the respective boards of commissioners and the board of trade. The decision of all law points connected with the revenue, and the publication and legal enforcement of the same, appear to devolve upon the respective revenue solicitors.

Whether a plan analogous to the British system, as thus presented, could be advantageously carried out in detail in the United States, and whether the same would be in all respects in accordance with the spirit of our institutions, is a question upon which the commission are not prepared to express an opinion, but they have no doubt that some of its leading features must form the basis of any sound national revenue policy.

In proposing a plan of change, however, they would suggest that the work of a reorganization should commence in the office of the Secretary of the Treasury itself. This office, with the exception of that of the Executive, is now undoubtedly the most responsible and important of any under the government; and the position of its occupant, as respects the future condition of the country, is not unlike that sustained by the commander-in-chief of the army during the most critical period of the war—a position in which the nation cannot afford to allow any risks of mistakes in judgment. With far more power than is intrusted to the British chancellor of the exchequer, or the French minister of finance, the office of the Secretary of the Treasury is at the same time, by long usage and custom, in many respects merely clerical. He is called upon at one hour as a member of the cabinet to participate in the decisions of grave political questions, and in the next to decide upon the transactions of his lowest subordinate. Intrusted with the supervision of the expenditures of hundreds of millions annually, he is also the final arbiter for the settlement of the most insignificant disbursements. It is also the assumed privilege of nearly every individual in the country to address him all on subjects connected with either public or private interests; and courtesy and usage demand that, in all instances, a reply of some nature should be given. The demands thus made at present upon the time and attention of the Secretary of the Treasury are wholly inconsistent with a proper consideration of those great questions of finance submitted to his decision, upon the wise determination of which the future welfare of the nation is inevitably dependent. To impose, therefore, any subordinate and trivial duties on this great officer of state is both to degrade his office and to imperil the financial interests of the country.

EDUCATION AND THE ADMINISTRATIVE SYSTEM OF PROBATION IN GERMANY,
BY EDOUARD LABOULAYE.

CHAPTER 1.—*On the necessity of political and administrative instruction for citizens who receive a liberal education, and in particular for those who are destined to public functions.*

1. In order to be truly worthy of its name, and to respond fully to the dignity of its mission, the university should embrace in its system of education the whole range of human knowledge, so completely that no superior education than that given by the state should be possible. This universality is the condition and also the justification of the monopoly with which the state is invested by the laws. Hence arises the obligation that the university should continually keep pace with scientific progress; hence springs the duty to appropriate to itself all new truths which appear, so soon as they have acquired the degree of consistency and perfection necessary to render them the objects of regular instruction. At the present day especially, when the government can lay claim to the direction of society only by summoning all knowledge to its aid, since its power is no longer anything but the force of opinion, it is absolutely necessary that the university should take possession of the intellectual movement, in order to place at the service of the state, from their first appearance, all those just and useful ideas which the progress of the human mind brings to light. It is in the chair of the professor that not only the doctrines which claim to take rank among scientific truths, but also the theories which profess to reform government and society, should be brought to the test of examination and proof; it is through the university and in the university that progress should be made, if we would not abandon opinion to the mercy of passion or of charlatanism, and transform a power into a danger. Thus the political interest and the interests of science impose upon the educational body the same duties. Every act

of negligence or of delay is a species of forfeiture, and the university cannot postpone any useful instruction without being derelict at once to science, of which it has the precious deposit, and to the country, which confides to it the new generation, its dearest possession.

2. Our ancient universities comprehended perfectly the grandeur of the function which was marked out for them by destiny; and, moreover, their organization, more free than the existing one, and more independent of the action of the government, lent itself with much less effort to the aid of scientific progress. Education, following the human mind in its march, was developed and enlarged along with it, chairs of professors and faculties were multiplied whenever there appeared any new light upon the horizon, and Bologna, and Salamanca, and Toulouse, and Paris, disputed between them the honor of inaugurating in public and elevating to the rank of its elders a science which was, as yet, but newly born. Medicine, jurisprudence, literature, have thus come to demand their place by the side of theology, and all the universities flew open to welcome those queens of the earth; then came philosophy, so long repulsed as a stranger; afterwards, in its train, the natural sciences, which have shed so vivid a light upon the close of the last century. Thus each age, according to its bent and its vocation, has impelled human thought in a particular direction, and at each epoch, the university, the faithful handmaid of science, has followed the march of the human mind, without abandoning the conquests already achieved; at each epoch a new education has come to complete existing studies, and to satisfy the wants which have revealed themselves for the first time. It is thus that science has been diffused and popularized; it is thus that truths discovered by certain advanced spirits have become the patrimony of the human race. This wise conduct of the elder daughter of our kings should now serve us as the rule and model for our new university, upon which, in a democratic state like our own, devolves a weight of responsibility immensely greater than upon its predecessor, since, through the education which it gives to the superior classes, it decides almost infallibly the destiny of the country.

3. The sciences, as we have said, are not contemporaries, and every age lends a new light to that torch of civilization which the generations of mankind pass from hand to hand: our fathers witnessed the birth of the natural sciences, while comparative anatomy and geology are younger than the present century. Now, a new progress is being realized, and the human mind throws itself into paths hitherto unexplored. On the one side, the historical and juridical sciences, left for a moment neglected, are regaining the ground which they had lost; they are borrowing from the physical sciences the severity of their method and the exactitude of their processes, so as to obtain, by a precise analysis, certain and immediately useful results. On the other hand, we have seen sciences unknown to antiquity and the middle ages appearing, sciences new and as yet imperfect, but which appear destined to form the glory of our epoch. I speak of the political sciences, and I understand by that name all the doctrines which the constitution and administration of modern societies embrace, that is to say, political economy, statistics, industrial legislation, comparative legislation, politics properly speaking, administration, diplomacy, the law of nations, &c.

4. To any one who has followed the progress of ideas for forty years past, it is evident that the political sciences have acquired a theoretical development and possess a practical importance sufficient to demand at this day the right of naturalization in the university. I might even say that we had delayed too long, and that their admission is now not only useful, but that it is indispensable, that it is obligatory. I invoke special attention upon this point.

In all ages there have been great minds who have preoccupied themselves with the organization of the state. Among the ancients Plato, Aristotle, Cicero, and among the moderns Machiavelli, Grotius, Hobbes, Fenelon, Locke, Montesquieu, Rousseau, have grappled with this difficult problem, and prepared by their labors for the solution of this delicate question; but, if I may venture to say so, it is in our days alone that science has discovered its true *point d'appui*, that it has emerged from the domain of the imagination to enter upon that of reality. In fact it is only in our day that there has taken place in Europe an immense revolution, which, while fully respecting the forms and exterior pomp of monarchy, has displaced the sovereignty, and transformed all governments into real democracies; the name is wanting, but the thing exists: the change is more apparent in France than elsewhere, but it is to be found throughout the continent, and it is this change which has rendered possible both political science and its instruction.

The state, in former days, was the patrimony of the prince; the King pretended to hold his monarchy as a freehold confided to him by God himself, and for the administration of which he was responsible to God alone. Now, the state is the patrimony of the people, and royalty is no longer a sovereign domain, but a magistracy instituted for the common benefit, and confided by the nation to the prince whom it places or whom it keeps hereditarily at its head. The interest of the governed has been substituted for the interest of the prince, and at the same time (so profound has been the revolution) that interest of subjects has become the avowed principle of the most absolute monarchies, even of those which struggle with the greatest energy against this dislodgment of the sovereign power.*

5. The very principle of government having been radically changed throughout Europe,

* See Maurenbrecher, *Grundsätze des Heutigen Deutschen Staatsrechts*, §59.
Dahlmann, *Die Politik auf den Grund*, &c., § 254.

(and in France this revolution is consecrated by the national compact of 1830,) the science of government has been necessarily compelled to undergo an entire remodeling. Formerly, the constitution was a mystery which no one might penetrate, and a prompt and terrible punishment awaited the rash innovator who dared to lay his hand upon the sacred ark, were it even for the purpose of steadying it; now, thanks to God, and to the devotion of our fathers, it is no longer such; the constitution belongs to all, and should be for all a subject of earnest study, since there is no enlightened person who cannot, either by his actions, his words, or his writings, exercise an influence, more or less direct, upon the march of affairs. Moreover, we are no longer on the threshold of these grand and important studies; the philosophical researches of the eighteenth century, the oftentimes cruel proof which our fathers and ourselves have made of all that was visionary in the most attractive theories, history issuing from the domain of literature and of eloquence to raise itself to the rank of a positive science, political economy created for half a century, and, above all, the habit of public life, have given us lights upon the science of government which were wanting to our predecessors, and which permit us to-day to make of that science the object of regular instruction.* Thus, the interest of science alone would suffice to demand the extension of universal education to all the political sciences, it being ridiculous that instruction in the sciences most largely developed in the last half century should be found nowhere except in books and writings often dangerous by their doctrines, hostile to the state, or false; and thus that the science of government should be taught outside of the government, and oftentimes in hostility thereto. But, in addition, it should be carefully noted that at the present day, in our social situation, (and what I say of France is true of all Europe,) political education is an absolute necessity. Since 1789, of immortal memory, the state, and its organization, has been the grand and difficult problem which has occupied all the genius, all the life of the nations of Europe. What has been, during the past fifty years, the cause of all the agitations, of all the revolutions, of all the civil or external wars, which have agitated the continent, if it has not been political reform? Why have so many millions of men been slain, so many thousands of millions of money been spent, except to preserve or to destroy forms of government? It is no longer questions of religion, as in the sixteenth century, nor of the balance of power, as in the seventeenth, which agitate the continent; the question which dominates and absorbs all others is how to direct this vast democracy, whose tide is continually rising. The political and social organization of the democracy—it is this that preoccupies the most thoroughly monarchical states as well as our own; and Prussia, for example, although further from the goal than France, although having to struggle against greater difficulties—Prussia, with her diverse nationalities, a race of nobles, a soil fettered with primogenitures and entails, preoccupies herself far more than our legislators and our ministers with the means of solving that problem which each day renders more important and more difficult. In this situation, and in a country like France, where every man may be summoned at a critical moment to put his hand to the sail, as to the helm of affairs, what knowledge can be more immediately useful? What more necessary than the political sciences? And I do not intend by this name to characterize mere theoretical researches upon the origin of society and government; but, on the contrary, the positive and practical science of existing governments, that which comprehends the most profound studies upon the constitution of the state, upon its interior and exterior mechanism, upon the machinery of the administration, upon the grand scientific or historical laws according to which are developed the wealth, the power, and the liberty of nations. Such an education is indispensable, not only for those who, placed in seats of power, hold the destiny of the country in their hands, but for every functionary charged with any share in the administration, however small it may be, and for every citizen who, by his vote or his opinion, may be one day summoned to decide for his part the future of the country. In the sixteenth century every man was a theologian, as in the eighteenth every one was a philosopher—princes, nobles, merchants, priests, physicians, and the rest. Now the physician, the theologian, the philosopher, who desire to be anything more than mere tradesmen, and who remember that before all things they are citizens, ought to possess political knowledge—not alone that profound knowledge which demands an impossible sacrifice of time, but a sufficient knowledge to keep out of the control of opinion and of power that species of political *dilettanti* who, assured of the ignorance of others, and without faith or belief themselves, make of their audacity a stepping-stone to a political fortune, oftentimes scandalous, to the great detriment of the country.

7. Finally, and after these general considerations upon the utility of political instruction for all citizens who receive a liberal education, there is a particular consideration of the greatest weight, which should determine the government to establish such instruction, if not for all citizens whose intelligence will one day give them an influence more or less direct upon public affairs, at least for those who are called to the direct service of the state; for it is at once dangerous and absurd, that the only public functions which do not demand preparatory studies should be precisely those which the most directly concern the country. Let an engineer of highways miscarry, through ignorance, in the construction of a bridge or a

*France has profited by its long and costly experience. Healthy ideas have been diffused; intelligence becomes continually one of the best guarantees of order. Reason does itself honor in consolidating the foundations of the noblest beliefs of humanity, and the moral and political sciences will henceforth serve to reaffirm that which formerly they disturbed. (Report to the King upon the re-establishment of the Academy of Moral and Political Sciences, by M. Guizot, minister of public instruction, October 26, 1832.)

sluice-way, and there results only loss of time and of money, which is easily repaired; but let the administration be exacting or vexatious—let the taxes be ill-imposed or collected with intolerable annoyance—and the result is inconvenience and vexation to the entire nation. In a country where the press diffuses, with the rapidity of lightning, the intelligence of the injustice or unskilfulness of the administration, upon the very first fault, an electric movement, as it were, agitates the public mind; every man conceives an instant distrust of an unskilful government, and throws upon it the responsibility of the faults committed by its agents. How happens it that in a country so susceptible, so easily alarmed, the state does not assure itself in advance of the capacity of men whom it employs? How happens it that we assure ourselves by rigorous tests of the qualifications of an engineer, of an officer, of a professor, even of a school-master, while we take no heed of the political or administrative education of a diplomatist and of a prefect? Why is one part of our administration organized upon the democratic principle of capacity, while the other is regulated only by the caprice of a minister? Why are 12 years' study required to command a battery, while to govern a department nothing more is oftentimes required than the recommendation of a deputy or the importunity of a favorite?

Why this state of things prevailed formerly is easily comprehended. In the ancient monarchy, the administration, as well as the entire government, was under the control of the prince, and it was sought above all things to keep the subject in profound ignorance on that head. Men acted precisely as Austria acts at this day; and God knows how great was the weakness of such an administration—weakness so extreme that it precipitated the ruin of the monarchy for a miserable *deficit* of a few millions. The management of the finances, for example, that vital element of the administration, was not the intelligent dispensation of the public revenue in the national interest, but a species of organized rapine for the benefit of the follies or debaucheries of the prince and of his favorites. The whole art of the financier then consisted in squeezing the utmost possible amount from the people, in what the Germans call *plus mackerey*, or, according to the French expression, in the art of *plucking the fowl without making it cry out*.

In our day we are no longer in such a case, and, thanks to the intelligent government of the restoration, and to the still more intelligent conduct of the government of July, 1830, we have recovered from our prejudices against the administration; we are no longer forced to consider that great body which presides over the destinies of the country as an instrument of despotism and of oppression, which only profits by its power, and injures instead of promoting the development of the public wealth. We have recovered equally from the doctrine put forth by M. Say and his disciples, that government is an *ulcer on the body politic*; and M. de Tocqueville has long since cured us of our admiration for the *self-government* of the Americans.

It is to the excellence of the administration that we may attribute a share of the prosperity of France, and of the greatness of Prussia; it is owing to the power of that element that France has been able to resist, without too great a shock, two invasions and three changes of dynasty; it is owing to the wisdom of its administration that Prussia has been able to artfully console its subjects for the absence of the constitutional guarantees promised in 1813, and to replace in some sort by administrative guarantees the political rights which it has to this day refused. And not only has governmental administration become, for half a century, the most important of arts, but at the same time, and thanks to the labors of the administrators and economists of all nations, it has become a science of the first rank, of which political economy, statistics, agriculture, technology, are, so to speak, so many fragments.

So great a change in the administration has necessarily modified the condition of the employés of the state. Under the ancient regime, they were clerks—that is to say, men in a subaltern position, enjoying no higher rank in public estimation than that which now attaches to the principal employés of our heavier financial houses. Strangers to the public, the public knew nothing of them. But at this day their functions have greatly risen in importance; they are no longer mere agents of the treasury, they are its administrators; *insertiunt, non serviunt*. Their function is as important and as honorable as that of the officer who defends his country, or of the magistrate who executes the laws. The administration has become a magistracy, which, in the importance of its functions, in the magnitude of the interests involved, in the influence of its decisions, is in nowise inferior to the civil magistracy. The resemblance is so much the more striking as the sphere of its action is the more closely approached. Since the administration has passed from the realm of caprice to that of the law and the ordinances, it has become in reality a tribunal whose function is the more elevated because, in the questions to be decided, the state is at once a judge and a party, and consequently the administrator must possess an impartiality and a capacity of the highest rank, in order not to be wanting either to his function of a judge or to the duties of his office, and in order to infringe neither upon the public interest which he defends nor the private interest which he decides upon.

The administration being once raised to the rank of the civil magistracy, the necessity of giving to it the same guarantees has been perceived. One step further, and it will appear equally indispensable to exact of the men who devote themselves to these honorable functions knowledge as extensive and as various as we require of our future magistrates.*

* See some excellent remarks upon this subject in Emile de Girardin: *De l'Instruction Publique en France*, p. 405.

Under the restoration, the principles of the old regime were too often followed in respect to administrative officers, in disposing of places with the greatest inconsiderateness, and in superseding an officer, as one would have done a clerk, toward whom, besides paying his salary, no sort of obligation existed. Since the revolution of July, this state of things has been reformed; the higher offices are bestowed, it is true, quite as badly as under the restoration, and electoral influence has succeeded to the patronage of the court and the congregation* without the country having gained anything; but at least these offices, once bestowed, are not withdrawn at the pleasure of ministerial caprice, and in fact, if not in law, administrative functions have become unremovable. This is true especially of the inferior employments, and we have no longer the sad example of those removals for opinion's sake so frequent under the restoration—removals frequently provoked by base denunciations. The administration of office is now a stable profession—a service of the state—not very brilliant, it is true, with small rewards, where advancement is slow, difficult, capricious, but a service to which one may devote himself at least without misgivings, without fear of seeing his future career broken up with each succeeding day.

However limited may be the administrative career, and however necessary it may be in entering upon it to renounce the hope of one day attaining a great fortune or a superior position, nevertheless this stability of employment, the first consideration which surrounds public functions, and a lingering aristocratic prejudice against trade—a prejudice from which our middle classes are not wholly free—all these motives, and others which it would be too tedious to enumerate, have sufficed to turn in this direction all the youth of the middle classes; for every place in the ministry of finance there are now twenty candidates, and the title of *supernumerary aspirant* is more warmly contested than that of an overseer.

In presence of this crowd of solicitors, drawing in their train friends, relatives, deputies, what should be the duty of a government which is more solicitous of the welfare of its administration than of the personal satisfaction of the intriguers who surround it? Evidently it should be to exact from the candidates presenting themselves conditions of capacity, and, since the number of aspirants is such that it is free to choose, to take only the most instructed, the best qualified by their attainments and their moral character to discharge the duties to which they are destined, and to honor the body to which they belong.

Is it thus that the affair is managed, and does the administration exact from the men whom it admits to its communion sufficient guarantees of capacity and of fitness? No; and while the army, the artillery, the engineer corps, the navy, the highways, the mines, the woods and waters, have all of them special schools and studies, while the public instruction has its examinations, the normal school, and the competitive admission, while the magistracy is guarded by the guarantee (a slight one, it is true) of the licentiate's diploma, yet the other branches of the government, on the contrary, and those not the least important, the exchequer office, the bureau of direct and indirect taxes, the land-registry office, the customs, the post office, have no other condition of admissibility except a trifling novitiate, since the appointment goes by favor, and, once admitted, it is through favor alone that one looks for his title and his promotion; finally—and this is the most singular of all—while a novitiate is required in order to obtain the place of a subaltern in the treasury service, it is not at all necessary in order to become a counsellor of finance, sub-prefect, prefect, referee, or counsellor-referee.

The capacity required is in the inverse ratio of the importance of the office, and its responsibility. How strange that the law should exact conditions of capacity for a lawyer, for an attorney, for a notary, in order that the private interests of citizens should not fall into unsafe hands, and should exact no guarantee whatever that the public interests should not be endangered by inexperienced or unskilful administrators.

Still more, and as if it were not already dangerous enough to subject the choice of public functionaries to the risks of chance, the government augments the chances of inexperience and incapacity by requiring no special studies of its officers after they have entered the service of the state. There is not even one public institution by whose instructions the well-disposed might profit, who desire to be anything more than mere routine officers. One chair of administrative law in each faculty, a chair in which the administrative disputes are exposed rather than the system of administration; a few chairs of political economy scattered over Paris and giving rare instructions—such are all the resources afforded by a great nation to those who devote themselves to public employments. So that it is no exaggeration to say that, from the counsellor of state down to the humblest functionary, there cannot be found 10 persons who, in their youth, have made a special study of administrative functions. All that our functionaries know they have learned by experience, or by individual labor performed after their entrance upon public affairs. The consequences of such a defect of public education are easily seen. The employés of the state are divided between the men of routine, who, by dint of continual practice in the bureaus, acquire a mechanical knowledge of the received forms, of the laws and ordinances most frequently employed, without ever elevating their minds to a solitary idea of reform or of progress, and another small class of superior men who owe their education to themselves alone. But the intelligence of these last is but a useless, and frequently even dangerous element; for they are not comprehended either by their official superiors or subordinates, and when they have in their minds an idea of reform,

*A political association in the days of the restoration.—TRANSLATOR.

they are sustained neither by the administration (at least if the reform be a financial one) nor by public opinion, directed by journalists to whom the first elements of political education are frequently wanting, and who have no experience in affairs, nor, finally, by the representatives of the country, who are neither better instructed nor more enlightened than the rest of the nation, being frequently ignorant of the simplest principles of political science. The disastrous consequences of such an order of things are apparent at a glance. It breeds rashness in designs, timidity in execution. In this common ignorance, all men walk on tiptoe and hesitate as in the dark. The administration holds fast to the existing order of things; every change appals it, since it is utterly unable to calculate its bearing, and it recoils, from sheer ignorance and inexperience, before innovations the most useful and frequently the most necessary.

How different would be the case if a thorough political instruction, if special studies of principles, were to give to the administration that superiority of intelligence which now forms the sole title to the respect and obedience of nations. A wise administration, having confidence in its power, sustained by public esteem, recruited from among the most enlightened men of each generation, would give to our government that point of stability—that anchor—which is wanting to it in the flux and reflux of parties, of opinions, and of events.

CHAPTER 2.—On political and administrative instruction in Germany.

While we are still occupied with asking ourselves if the system of administrative education and probation for official functions is useful and necessary, and more than one even of the more enlightened minds recoil before the boldness of such a reform, because we have upon that subject only confused and imperfect ideas, the different governments of Germany, which are certainly far enough removed from democracy or revolution, have entered freely upon this course, with that profusion of regulations, ordinances, and laws which has always distinguished the administrations beyond the Rhine. Far from being alarmed at a system of competition, the German governments have favored it to such a degree that it has become almost the only method of admission to public functions, whatever may be their nature and their character.

The most successful government in Germany, that of Prussia, has taken in the confederation that foremost rank to which neither its population, nor its wealth, nor its history would have entitled it; and when we look for the secret of its power, we find that its two grand supports are the university on the one side, and the administrative service on the other. The superiority of its system of education attracts to Prussia from all parts of Germany the flower of its industrious youth, and the administration, open to industry and to capacity, summons to public functions every man who has the ambition to serve his country.

At the same time, Prussia, in its essays toward administrative organization, seems to me inferior to Würtemberg, a country which is a model in respect of administration. This inferiority is attributable to two causes. In the first place, the system of competition has been more freely applied in Würtemberg than in Prussia, where the noblesse and the army are frequently invested with peculiar privileges. In the second place, the curriculum of studies required has not been determined with sufficient exactness. It has been thought unnecessary to found separate faculties of administration, and they have contented themselves with establishing in the faculty of philosophy a branch of instruction upon administrative affairs, as a complement of the juridical course of study required of the future functionaries. Too much influence has thus been left to the legal spirit. It has not been sufficiently recognized that administration is a new science, *sui generis*, although closely related to jurisprudence, and that it is needful to develop the administrative spirit, as in the other faculties are created the *esprit de corps* of the physician, the lawyer, and the theologian. In Würtemberg, on the contrary, this necessity has been thoroughly felt. A special faculty has been created, and the examinations have been better calculated than those of Prussia to prepare candidates for the various public services.

In Würtemberg, up to the year 1817, at which time a special faculty was established, the administration was recruited in a very similar manner to our own. In order to enter the public service, it was requisite to begin by being admitted in the capacity of supernumerary (*incipient*) in the bureau of some superior officer. For such an admission, no condition was required, either of age, of fortune, or of education, but the will of the chief of the bureau (*principal*) was the law. During this probation, which frequently lasted many years, the occupations of the candidates were purely mechanical, involving certain despatches, certain copies of letters, and the like. As to the instruction of the supernumerary, nobody looked after that; and the period of youth, that precious season in which the intellect and the capacity are formed, passed away in this degrading occupation. Some reflective, laborious minds drew instruction more or less solid from this commerce with affairs; but, if I may say so, these men shone out as a light in the midst of darkness, and, without reforming the administration, only rendered more visible and more deplorable the ignorance of those who surrounded them.

This routine was no less prejudicial to the sovereigns than to their subjects, for in this

matter the interest of the people is often the same as that of the treasury. Listen to a complaint made in 1776, by the landgrave Louis, of Hesse Darmstadt:

From the first day of our accession to the government, we saw with regret that the administration of our revenues, the care of the well-being and prosperity of our subjects, in a word, the whole administrative organization of the country, was very different from what we had a right to expect, from the number of laws and ordinances on that subject, the multitude of our employés, and the excellent example given by neighboring countries. Our astonishment, but not our chagrin, was diminished when we found that the care of our revenues, as of the interests of our subjects, was in the hands of men who had devoted themselves to office only because they were too ignorant, too poor, or in too little favor to enter into any other public service. These persons have treated our domain and our subjects as an *anima vilis* at whose expense and risk they have acquired their experience. * * * These dull spirits have never conceived any of those liberal ideas which a zeal for the government, or a desire to rival countries whose administration is superior to our own, would produce. On the contrary, we have seen with profound regret, that even those whose intelligence or experience acquired abroad placed them in a condition to introduce order and intelligence into any part of the administration, were blamed through the ignorance of others, envied, reviled, spit upon, persecuted, crushed, until they were discouraged and compelled to renounce those improvements and attempts at reform whose realization has been postponed by ill-will, and which, moreover, soon fall into the hands of ignorant and presumptuous subalterns.

Such was the situation of the Hessian administration; such, also, was that of Würtemberg toward the close of the last century. * * * In 1816, in consequence of the reiterated complaints of the two chambers, the government (of Würtemberg) perceived the necessity of seriously occupying itself with the education of its functionaries; moreover, as the separation of the administration from the courts of justice was about to be consummated, it began to be comprehended that it was necessary to exact from future officers of the administration knowledge of a special character, which was not communicated by the faculty of law. The reigning sovereign, one of the wisest princes whom Germany ever possessed, yielded to the desire of his subjects and established a faculty of administration at Tübingen, the only university in the kingdom.

His Majesty, (as is recited in the act of 29th December, 1817, founding this institution,) convinced that it is necessary to enable all those who are destined to the service of the state to acquire a scientific education, has determined to establish a faculty of administration in the University of Tübingen.

And, moreover, in order to place this department of instruction on an equality with others, it is ordained:

1. That hereafter, in awarding such offices as require administrative knowledge, particular regard shall be had to persons who have pursued studies connected with government in the university, and who shall have passed the examinations of the faculty; and these persons shall be regularly preferred to those who have not acquired these special studies.

2. The students of administrative science shall pursue such a course of jurisprudence as may be most essential to them; as, for example, the philosophy of positive law; constitutional law; the private law of Würtemberg; administrative law, and the encyclopædia; and the law students shall, on their part, pursue the most important portion of the administrative course, such as the encyclopædia of political science, and the practice of the administrative service.

3. To encourage more especially those who devote themselves to administrative studies, there shall be bestowed in the two next succeeding years from four to six purses of 150 florins each.

Although the ordinance of 1817 has not produced all the results which might have been anticipated, yet, says M. Schütz, from whom I borrow these details, it is beyond question that these 20 years, during which more than 400 candidates for administrative office have pursued their studies at the university, have produced remarkable results, and the examinations for the public service have constantly demonstrated the superiority of the candidates possessing theoretical knowledge over the candidates who had only practical knowledge.

The year 1837 introduced a new period, and Würtemberg entered into the true pathway to success; from that day the results have been continually more and more satisfactory.

Two most important measures were introduced.

First, the course of instruction was enlarged. The existing chairs were:

1. Political economy.
2. Agriculture and the allied sciences.
3. Technology.
4. Administrative law and administrative practice.

To these were now added two new chairs: one for the practice of administrative science, or rather a chair of administrative law applied; the other for political history and statistics.

Second, the system of examination was transferred to the departments of the interior and of finance.

The following are the principal dispositions of this ordinance of 22d February, 1837, concerning examinations:

1. For the department of the interior a distinction is made between the candidates who are destined for superior employments and those who are destined for the inferior; hence there is a superior and an inferior examination established.

Each of these examinations consists of a double test—the one written, the other oral. The

written test is an open competition between all the candidates. Assembled under the eye of the commission, they are required to prepare a composition upon a given subject, without any other assistance than the official collections. Those who are declared inadmissible can be entered as candidates only in the following year. The oral test is an individual examination, and follows the written one.

The inferior examination takes place before the *Kreis Regierung*, (the *Kreis* corresponds to our *department*,) a commission of officers in which the professors of the university do not participate. The candidates who are found capable can be employed as inferior administrators, directors in schools, prisons, orphan or insane asylums, and as assistant inspectors. There is required of these candidates:

1. A knowledge of the administration of communes and of districts.
2. A knowledge of the distribution of taxes, of accounts, and of the laws relating thereto.
3. A knowledge of the private laws of Würtemberg, especially in all that relates to contracts, as well as to the civil procedure.
4. An immediate solution of questions relative to the above-mentioned subjects, and especially to the most difficult calculations.

The superior examination is required of all candidates who desire to obtain other employments from the ministry of the government.

Each candidate is required to be at least 21 years of age, and to have undergone, at least three years antecedently, his preparatory academical examination.

This latter condition is the first important reform which the ordinance introduced. Previously, any one might enter into the public service without the exaction of this certificate of attainments. Hence ensued the inconvenience of those premature supernumeraries which brought into the discharge of public functions many young persons having scarcely the first elements of a liberal education.

The superior examination for government service is composed of two tests, separated by an interval of one year; in the first, theoretical knowledge is required; in the second, practical knowledge. It is thus necessary to prove successively, a thorough acquaintance with the laws and ordinances of the country, and a certain practical capacity. It is required that the claims of science and of the administration should be satisfied, the one after the other.

The first examination (the theoretical) takes place before a commission composed wholly of university professors; the jury of examination consists entirely of the professors of the administrative faculty, of two or three professors of the faculty of law, and of a counsellor chosen for that purpose. This examination being required as well of the students of administrative science as of the practical students—that is to say, of those who have entered the government bureaus by simple supernumerary service—it results that it is next to impossible now to pass that examination without having previously acquired the university studies, and that, consequently, in fact if not in law, the university is the only preparatory school for the future administrators. It is to be added that the government, in order to encourage universal studies, has decreed that the students of administrative science alone should have the right of exemption from military service as candidates for the civil service of the state.

The second examination, separated from the first by a long interval, is essentially practical; and as it concerns the interests of the administration, and those who are examined are no longer students, but functionaries, the examination takes place before a commission, presided over by the chief of the department, and composed of all the members of the council. This commission assembles at Stuttgart twice every year. The following are the subjects upon which the two examinations turn:

1. The public law of Würtemberg, considered by itself and in its relations with the public law of Germany. Candidates are to be interrogated specially upon the laws relative to the organization and administration of the communes, the district, the public domain, and the estates of the noblesse.
2. Private law, both the common and that of Würtemberg. The examination turns particularly upon matters, a knowledge of which closely concerns administrators, such as obligations, hypothecations, servitude, conditions of holding property, &c.
3. The canon law of Catholics and Protestants. Whatever relates to benefices, patronage, titles, the administration of church revenues, and whatever concerns the church and the state.
4. The elements of civil procedure, of law, and of criminal procedure.
5. National economy.
6. Administration.
7. The system of duties and accounts.
8. A summary knowledge of commerce and of agriculture.

After the first examination the candidates, in order to acquire practical knowledge, are subjected, in quality of counsellor-referee of the administration of the second class, to a supernumerary position or probation of one year, eight months of which are employed in a district office, and four months in a ministerial bureau. In the district offices they are exercised in the different branches of the administration, by having to treat the less important questions that arise, and they are familiarized with the practice by causing them to assist in all the deliberations and in all administrative measures. In the bureaus they are employed as copyists, revisers, and auditors.

The heads of bureaus and the district officers are required to devote special attention to the conduct of the probationers, and, upon the expiration of the term, to address to the ministry a report upon the zeal, the capacity, and the morality of the candidate, a report which remains in the hands of the ministry, and constitutes the commencement of the record of the future administrative officer. The candidate who has successfully passed this second examination is nominated a counsellor-referee of the first class, and placed upon a stipend. He becomes thenceforth an integral part of the administration.

The theoretical examination, the novitiate, the practical examination, such are the three guarantees which the state exacts from its functionaries. The first guarantee is, that the candidate has received an adequate special education; the second is the test of the moral fitness and administrative capacity of the probationer; and, finally, the practical examination secures to the government the certainty of not being deceived by the indulgence or connivance of the superior employés, and at the same time enables it to class, according to their different degrees of capacity, those functionaries who have already passed the probationary stage. These three tests, which are in practical use throughout almost all Germany, and form the condition of admission into the entire civil service of Prussia, as well for the administration of justice as of the civil service, form the vital portion of the whole system. * *

I return to Würtemberg: The examination for the treasury service much resembles the examination for the department of the interior. The principles are the same; the only difference consists in the object of the examination. Thus, there are for the treasury, as for the interior department, two classes of employés—one inferior, the other superior. Candidates arrive at the first by a special examination, which does not suppose an early education of the highest order; they arrive at the second by a course of university studies, followed by a double examination and a probationary period.

The inferior examination, which conducts to the positions of inspector and comptroller of customs, of finances, &c., turns upon the following points:

1. General knowledge of the principles of financial administration.
2. Financial accounts, and the laws relative thereto.
3. Principles of civil law, especially in what concerns contracts, and a summary knowledge of the civil procedure.
4. Practical acquaintance with accounts, and with the various administrative acts, such as the process-verbal, &c.

This examination is held at Stuttgart, once every year, before a commission composed of the principal members of the overseers of the treasury and the customs.

As to the superior examination which qualifies for the administrative grades above to that of comptroller, the special classes of knowledge required for the two tests, theoretical and practical, are the following:

1. The public law of Würtemberg, especially in all that relates to the organization and administration of districts and communes, the law of public domains, and the estates of the noblesse.
2. The private law of Würtemberg. The examination will lay especial stress upon such matters as concern the administration, contracts, mortgages, prescription, servitude, the property of the common people, tithes, &c.
3. The general principles of civil and criminal procedure.
4. National economy.
5. The science of finance, the financial legislation and institutions of Würtemberg.
6. Accounts.
7. Commercial, industrial, and agricultural knowledge.

The practical examination takes place before a commission of the ministry of finance; the pupils who pass the first as well as the second test bear the title of probationers of the finances, of the second or of the first class; and a period of one year separates equally the theoretical test from the practical.

Such is the system carried into effect by Würtemberg, and if it is sought to learn what has been the result of this innovation, we may cite the opinion of one of the men best fitted to pronounce upon that subject, Mr. Schutz, professor in the administrative faculty at Tübingen, and one of the examiners.

"This ordinance," says M. Schutz—"I say it with all the respect which I owe to the capable officers who have made themselves such by practical service—this ordinance has been the death blow of the ancient bureaucracy; it keeps at the lowest round of the ladder the mere ignorant copyist, and suffers only those who have achieved the consecration of knowledge to arrive at the superior degrees. The employés of the government administration and finance, whom public opinion formerly placed much below ecclesiastics and lawyers, precisely because of their inferior education, resume to day the place which belongs to them. The moral power of the state is enlarged in proportion to the capacity of the men who consecrate themselves to the public service; and on the other hand, the more these functionaries rise in the public estimation, the more are such functions sought by men of character and talent."

An intelligent and considerate administration of his office constitutes the firmest and most secure support for a minister, and this is too frequently forgotten in a country which has twice owed its grandeur to the men of genius who conducted its administration—Colbert,

Napoleon—two men whose whole secret was to search everywhere and at any price for the man who was best fitted for the place to be filled. Their policy was very different from that of to-day, which consists in giving to the men of whom one has need the places which suit them, without regard to the country, which, nevertheless, it should seem, ought to be somewhat of a party to a contract in which its interests alone are at stake.

In Baden a similar experience has led to the same results as in Würtemberg. There is no special examination for the administration, properly speaking, since, in Baden, the civil service is not separate from that of justice; it is a judicial examination, consequently, which admits to the functions of civil office dependent upon the ministry of the interior.

But for the treasury service there appeared on the 26th of March, 1838, a remarkable ordinance, the principle regulations of which are the following:

Whoever desires to enter into the treasury service, and does not wish to connect himself with the active service, or to remain in subordinate position, must go through a course of study as an administrative pupil, submit to an examination, and pass through a probationary period.

The studies required are, among the preparatory branches of knowledge—1, arithmetic, algebra, geometry, trigonometry, mechanics, bookkeeping; 2, zoology, botany, geology, geography, physics, chemistry.

Among the special sciences—1, agriculture, the science of woodlands, mines, technology, the science of trades and manufactures; 2, administration, financial science, administrative law, administrative practice.

Among the accessory sciences—the encyclopædia of jurisprudence, public law in general, private law, procedure, &c.

The students continue three years and a half—seven terms—and it must be admitted that this is none too long to instruct oneself in so many different sciences; there are twenty-seven to twenty-eight courses of study required, which is an average of about four courses per term, or about three hours and a half of instruction per day. The examinations take place annually, in the autumn, at Carlsruhe; they are presided over by a ministerial counsellor, assisted by counsellors of the college of finance, and by certain professors.

The examination is written and oral; the written exercises are performed under a severe scrutiny; the oral examination takes place in common for all the candidates, before the full commission united; the members of the ministry of finance may assist at it. It is this ministry which determines the admissions, upon advice of the commission and the report of the president. The candidates admitted as probationers must serve at least two years in a district, and are during this period subjected to a careful and rigid oversight. This period passed, they are entitled to be named *assistants*—that is to say, salaried employés.

A second ordinance, of the 28th of May, 1838, organizes the positions of the inferior employés; this ordinance has been rendered necessary, the candidates not having presented themselves for examination in sufficient number for the necessities of the service. Two orders, therefore, of probationers were distinguished—those who have entered into the government service by superior examination, the counsellor referees, and those who have entered it without examination; these last bear the name of *assistant counsellors*, and are nominated by the administration without examination; it is exacted, nevertheless, that they should have sufficient education, and one which corresponds nearly to the instruction which the title of bachelor carries with it among us.

When one has served three years in this position, and is more than twenty-one years of age, he may become a *probationary assistant* by an examination. This examination consists of the translation of the more simple Latin and French authors, the elements of arithmetic, algebra, and geometry, history, statistics, and the knowledge of that part of financial administration to which the candidate is admitted as supernumerary. The examination takes place orally and in writing, under the direction of the superintendent of the revenue, assisted by the counsellors of the bureau of public lands, customs, and taxes, and the professors of Carlsruhe. The candidate who, at the close of the examination, is named *probationary assistant*, (which is not an officer, but a title,) competes exclusively with the practical probationers for the posts of inspector and receiver, but he cannot become a counsellor of the finances.

This organization of a higher and a lower examination, establishing two degrees of capacity and two classes of employés, has been generally considered satisfactory. In effect it does not permit well educated and laborious men to linger in too subordinate positions, and it arrests the advancement of ignorance and mediocrity.

Moreover it is now a long time since the good effect of this system have been experienced in Baden, for the ordinance of 1838 simply confirms and ameliorates a state of things already long existing; and already for forty years previously there had been required of the employés of the treasury special qualifications, attested by an examination.

I will add but a single word: It is only necessary to have travelled in Baden, Würtemberg, or in Prussia, to be struck with the perfect arrangements of the administration. In no country has more been accomplished with a less wealth of resources. Würtemberg, especially, is admirable in its public roads and cultivation, and yet it is a country without wealth, and the population of which is only equal to two of our departments.

I should complete this report by a statement of what has been done in Prussia, but I will

stop here for two reasons: the first is, that Prussia following almost precisely the same usage as Würtemberg, I should extend indefinitely an essay already very long; the second is, that I propose to give hereafter the organization of the judicial novitiate in Prussia; and, that organization being nearly the same for the judicial as for the civil administration, one can readily form an idea of the Prussian system. For the rest, I repeat, this system is the same as that of Würtemberg—a theoretical test by examination, a probation to assure the moral character and the capacity of the candidate, and a practical test by examination.* Prussia has even pushed this system of examinations further than any other of the German states, for, in order to advance more rapidly the youth of capacity, and to bring to the head of affairs men who are still full of zeal and activity, she has established a double examination in practical tests, so that, after having been auditor upon graduating at the university, and counsellor-reeferee after a preliminary practical examination, preceded by a probation, it is necessary then to pass a second probation, and submit to a second examination in practice, in order to attain the more important positions in the administration. Thus, while Baden and Würtemberg have established the system of competition only at the threshold of the political career, Prussia has made it in addition a means of advancement within the service of the administration. The claims of education and capacity thus become entirely preponderant, and rank even before length of service, for it is a recognized principle in Prussia that length of service in an inferior function is not of itself any title to advancement. It is only a presumptive evidence of capacity which yields before those positive proofs of fitness which an examination furnishes. I think it would be difficult to favor industry more effectually, or to hold out to studious young men a more powerful attraction to the service of the state.

There is thus established, by the fact of competition, a most profitable emulation among the industrious youth, which secures to the service of the state men of profound knowledge, and continually higher standards of attainment. This is the case in Prussia. Far from the rigorous conditions of examination having diminished the number of candidates, it has augmented them; and, in fact, all the competitors having an equal chance of success, without distinction of birth or of fortune, there are few students who do not enter into the list of competition. Consequently, and to diminish somewhat the crowd of competitors, Prussia has multiplied the competitions, and added to the difficulties of the examination, so that the standard of attainment of which the candidates must make proof is far superior to the scientific maximum of the former competitions.

The competition established in France for certain departments of the government service has produced the same results. The army, the navy, public instruction, the service of highways, all exact long and laborious study, followed by a competitive examination, without there being, on that account, any deficiency of candidates for those important services. On the contrary, the number of competitors is every year augmented; and while, at the beginning, more than one-third of the candidates were admitted to the Polytechnic School, at the present time more than three-fourths are refused, although the conditions of admission are more difficult. Still further, since the public service must gain in consideration in proportion as the conditions of admission are made more difficult, this rigorous scrutiny, and the multiplicity of knowledge exacted, will augment the number of candidates, since a great number of young men occupying an elevated social rank will throw themselves into the public service from the moment that it comes into close relation to their position in the world. How much must the state be the gainer by a progress like this! And this progress, be it remembered, needs but a single word to be initiated. It needs but the will of a thoroughly enlightened minister to reform and elevate a whole generation of employés.

Mr. Bigelow to Mr. Seward.

No. 102.]

UNITED STATES CONSULATE,
Paris, August 25, 1863.

SIR: I am in receipt of circular No. 30 of the State Department for 1862, requesting information of the means adopted, in the country of my official residence, for the protection of its revenues, the collection of duties in the passage of goods across the national frontiers,

* It is the glory and pride of Prussia to reckon among her civil functionaries so great a number of men well instructed in all departments; and, in order to maintain this distinction, scrupulous care is exercised that the standard of scientific education should not be lowered or relaxed. No one is admitted to the university who cannot exhibit sufficient preparatory knowledge. These examinations passed, one must then go through three years of study, devoted exclusively to science, and without the interference of business and its necessities, which would interrupt the student. Thus, armed at all points, the future functionary enters upon a new career. It is no longer to books and formularies, it is to the men with whom he must henceforth live, and to the affairs which he must one day conduct, that he must go to seek the complement of his education, and that, too, under the direction of men thoroughly versed in practical administration, and whose experience must be highly advantageous to him. The future professor labors under the surveillance of the oldest masters of his art; the future magistrate is sent to the tribunals; the future administrator is placed with the functionaries of the same order. Afterward follows a final examination, in order to ascertain that the superior has judged of the young probationer without favor, without partiality, and, if this last examination is favorable, the candidate is definitively adjudged capable of entering into the service of the state. (Perthes: *Der Staatsdienst in Preussen*, page 63.)

† An ordinance of the 23d October, 1817, expressly prescribes that more attention should be given to fidelity, to zeal, and to capacity than to the time of service of the employés, and that no preference shall be given to the oldest functionary, except in case of an equality of merit.

and in their transshipment in its ports for export to a foreign land; also the forms that are used, the rules and regulations in force, the fees charged, and other expenses incurred in its foreign revenue service.

At the earliest convenient opportunity, after the receipt of this circular, I addressed to his excellency Mr. Fould, the minister of finance, a request that he would refer me to a person in the service to whom I could apply for the required information; and in a few days I was advised by a letter from the director general that Mr. Delmas, administrator of the second division of the direction general des douanes, was instructed to give me the information I sought. I immediately waited upon Mr. Delmas, who, after some conversation with me upon the subject of my inquiries, in the course of which he promised me the cordial co-operation of his department, referred me to Mr. Masseron, the head of one of the bureaux.

Mr. Masseron manifested a prompt alacrity in furthering the objects of my visit, and kindly informed me that I would save myself much trouble by procuring a book prepared expressly for government use by Mr. A. Delandre, head of one of the bureaux, entitled "*Traité-pratique des douanes*," which contains a full digest of all the revenue laws and regulations of France, and in which I would be likely to find nearly, if not quite, all the information I required.

I sent for Mr. Delandre's book, and found it fully to answer Mr. Masseron's description. It gives all the laws, decrees, and regulations of the revenue department of France now in force, digested and arranged conveniently for reference, and in so compact a form as almost to defy further condensation. I saw at once that, so far as the general organization of the revenue force was concerned, the definition of the duties and responsibilities of the respective officers, I could add nothing to the clearness or sufficiency of Mr. Delandre's statement.

If I knew precisely the points upon which information is most needed, I might, perhaps, have gleaned it from Mr. Delandre's pages and other sources, and submitted it to you in a more compact shape. But, in the absence of specific inquiries, I found that no digest or condensation would be a satisfactory substitute for this thorough and comprehensive work.

The French revenue system, like all other administrative organizations, is the fruit of nearly a century's profitable experience; it is singularly logical and systematic; it has been devised and usually operated under the direction of men of great administrative abilities, and with such singular skill that each part of it, like the features of the human countenance, seems to have such an adaptation one to the other that they must be seen all together to be properly appreciated. I have, therefore, concluded to send you the work of Mr. Delandre, in which will be found nearly everything that can be learned from the revenue experiences of France since the days of Colbert.

I also send you a complete set of forms used in the customs service, for which I am likewise indebted to the courtesy of Mr. Masseron. They are very necessary to the working of the French system, and may be studied with great advantage by those whose duty it is to provide the checks by which the accountability and responsibility of subordinates are insured. To comprehend them, however, it is first necessary to comprehend thoroughly the personal organization of the French douanerie, for which there is no shorter method than the study of the first 300 sections of Delandre.

I also send you a little work entitled *Guide théorique et pratique du contribuable en matière des contributions indirectes renferment en ce qui concerne spécialement les contribuables, le résumé des lois, des instructions, et de la jurisprudence, par I. S. Isoard, Contrôleur des Contributions Directes*. This is official, and contains all the practical information that can be required in regard to the collection of indirect taxes, not given in Delandre.

The French government collects about 2,000,000,000 francs, at an expense of about 350,000,000 of francs, annually. Of the sum thus collected, about 400,000,000 francs are realized from direct taxes, and the rest from indirect taxes, but the douanerie organization is auxiliary to the collection of the whole sum.

I do not think so large an amount of revenue is collected by any government in the world, with so small a loss from fraud, as in France, and I attribute the fact in a large degree to the method by which the agents of the customs are selected, and the terms upon which they hold their places, about which I will add a few words in addition to what a reader would be likely to gather from a perusal of these works. The whole revenue service of this empire is under direction of what is termed a director general, who alone, of all the officers of the customs, is in direct communication with the minister of finance. The labor of this general direction is shared by a central bureau, under the immediate orders of the director general, and six divisions, each having an administrator at its head. These administrators, with the director general, who presides, form an administrative council, and regulate what is termed the "central administration." Then there is a director in each department of the empire who superintends the department service. The director general, the administrators at the head of each division, and the directors at the head of each department, are the only officers connected with the customs department who receive their appointment directly from the head of the state. They, however, and all their subordinates, are appointed for life, or until their age entitles them to a pension and retreat. They never commence their career in any of the superior grades, but have to be promoted to them as the reward of continued faithful service through the lower grades.

All the officers below the minister of finance have to commence their career of service as

clerk in a bureau, at a salary of from 800 to 1,000 francs, say \$160 to \$300 a year, according to the class they are found qualified to enter upon examination, or in the still lower grade of *préposé*, or overseer, on a salary of from \$150 to \$160. To this there are no exceptions. The present director general, Mr. Barbier, has passed through all the grades, commencing as simple *préposé des brigades* in the direction of Strasbourg, on a salary in those days of only 650 francs (about \$130) a year.

From *préposé de brigade* of the 2d class he was advanced to the 1st class. He then became brigadier of the different classes successively; then lieutenant of the 3d, 2d, and 1st classes in succession; then captain of the 3d, 2d, and 1st classes respectively; then sub-inspector; then inspector; and so on up through every grade, remaining in each at least one year, until he finally, at 60 years of age, reached his present exalted position of director general, councillor of state, and commander of the legion of honor.

No political influence or favor, no revolution in the government, interferes with this law of promotion. Even in the revolution of 1848, no modifications whatever were made in the personnel of the *douanes*. Mr. Gréterin, who had risen from the position of a simple clerk in a bureau, to which he was appointed in 1830, was director general in 1848, and remained such until he retired in 1857, when he was succeeded by Mr. Barbier. The political vicissitudes of the government have no more appreciable influence upon the selection of the revenue agents than upon their promotion.

No candidate is received under 18 or over 25 years of age in the bureau service, nor in the out-door service, except in certain inferior employs, and upon terms which do not affect the general policy. On presenting himself, the postulant must produce proofs of his age; that he is a Frenchman; that his moral character is unexceptionable; that he is exempt from any physical deformity, and that he has the necessary means of supporting himself during the period that may elapse after he is accepted, before a vacancy occurs, till when he receives no pay. This period is termed his "*supernumeriat*," which is at least of one year's duration.

On producing these vouchers he is sent to a special committee, designated each year by the director general, for examination as to his education and other aptitudes for the service. The programme by which he is tested is as follows:

1. He writes a page from dictation, on unruled paper, without any external aid in correcting the orthography.
2. He copies the same page.
3. He is required to give a grammatical analysis of part of the text thus copied.
4. He is examined on the first four rules of arithmetic, the theory of proportions, and the solution of various problems of elementary arithmetic.
5. He is examined on the metrical system.
6. He is required to prepare inventories and tables after a given model.
7. To answer various questions in physical geography and politics.
8. To write a letter or note on a given subject.

After this is finished the postulant is further examined upon any matters to which he may have given special attention, especially on the living and dead languages, law, chemistry, natural history, drawing, &c., &c., &c.

The results of the examination of each postulant are reduced to writing, and all the trial papers produced during the session, which commences at eight in the morning and closes at four in the afternoon, are annexed to the report, which concludes with a written statement of the reasons for or against inscribing the name of the postulant on the list of candidates. This list, when completed, is sent to the director general, to assist him in preparing his list of candidates most deserving of promotion, which is submitted annually to the minister, accompanied with all the documents necessary to enlighten him as to their respective qualifications.

The number of supernumeraries never exceeds a twentieth of the whole number employed in the bureaux, and a preference is always given, other things being equal, to the sons of persons in good standing already in the service.

The *supernumeriat* never lasts less than a year, during which period the successful candidate is detailed for service either in the bureau of the central administration, in the bureaux of direction, or in the principal receiving bureaux to await a vacancy, when his services will begin to receive compensation.

The mode of examination which I have described is designed exclusively for candidates entering the bureau or sedentary service, whether in Paris or the departments.

For admission to the brigadier active service there is no *supernumeriat*, and the terms of admission are less rigorous, inasmuch as the service exacts a lower grade of accomplishments. The organization of brigades is based upon a general system of surveillance, to prevent fraud and contraband; it consists of a single line of posts or brigades, as they are termed, along the sea-coast, and a double line on the frontier.

To each brigade is assigned a determined tract to guard, called his *penthieré*, or beat. The brigades are composed of captains, lieutenants, brigadiers, sub-brigadiers, overseers, packers, weighers, storekeepers, boatmen, &c., &c.

To be admitted to the brigades it is necessary to be a Frenchman, 20 years of age at least, and not more than 25, except those who have been soldiers, who may be 29, if they apply the year of their leaving the army.

The sons of persons in the service are sometimes received as young as 18 in capacity of sailors and overseers, on half wages; but their service before 20 does not count towards their retirement, and the number of such can never exceed two per cent. of the effective force of the brigade. The postulants must produce certificates of good conduct, either from the mayor of the place where they usually reside, or from the regiment in which they have served, and a preference is given to persons who have served in the army or navy.

They are visited by a physician in the presence of a captain in the revenue service, who gives a certificate as to their physical condition, their instruction, and their intelligence, and such guarantees of their morality as are to be found in their social relations and past habits and position. They must know how to read and write, though in the case of simple marines the standard of clerical accomplishments is not very high; they must also be unmarried.

Persons entering the brigades or active service cannot compete for places in the bureau or sedentary service, which leads to the highest grades of the service, until they have reached the grade of sub-inspector; but any accomplishments they bring into the brigade service will count in their promotion to this point, as well as to their subsequent promotion, so that no person begins in so low a position that he cannot aspire to the highest; and he is encouraged constantly by the example and success of those who have preceded him, as in the case of the present director general, who, as I have already stated, entered the brigade service as a simple *préposé* or overseer.

The compensation, both in the active and sedentary service, is small for the first few years, never amounting to \$200 a year; but the young officer knows that a respectable support is secured him for life if he is faithful and diligent, and whether he preserves or loses his health, and that his widow will be provided for if he dies a married man. He knows, also, that his promotion will depend upon his efficiency.

The hierarchical system of promotion in the French service is insisted upon with inflexible rigor. No one advances to a superior grade without having served at least two years in an inferior grade, nor to a superior class of the same grade without at least one year's service in the inferior class.

At the beginning of every six months the sedentary inspectors, or sub-inspectors, and the principal receivers, address to the division inspector an "*etat*," or list of the officers under their orders who seem to possess the necessary qualifications to pass into a more elevated class, or to be promoted to a superior grade. For a model of these "*etats*" see the blank hereto annexed, marked A, which is designated in the official series of blanks as *Série E*, No. 82. I had it filled out with the "*etat*" of a single employé *verificateur*, in order to render it more intelligible. In this list they state, in a precise though summary way, whether, in their opinion, the employé deserves promotion on account of the length or distinction of service. The division inspector, on the receipt of these lists, prepares a similar table for his *arrondissement*, which he addresses to his director, accompanied with the "*etats*" of the principal receivers and sub-inspectors, and his own observations and recommendations in regard to the officers under his order. Finally, the director transmits these "*etats*" to the administration, with what is termed an "*etat general*," containing his views of the merits and demerits of the candidates recommended for promotion, and a special "*etat*," to embrace the clerks in his bureau entitled to promotion. These "*etats*" relate exclusively to the bureau service. A similar system of reports is required through the proper hierarchy for the brigade service. At the end of each year the director general makes a list of vacancies which are expected to occur during the following year, and another one of all those who have been found to possess the qualifications for promotion. This list is sent to the minister, and when a vacancy occurs in any of those places, (very few in number,) the nomination to which is made by the Emperor or the minister of finance, the director general selects three candidates from the list referred to for promotion, and the minister selects one of the three for the vacancy. If, in an extraordinary case, there should seem to be occasion to make an exception in favor of some person not on the promotion list, whose services merited immediate recompense, the exception must be made the subject of a special decree, and the reasons for it assigned in writing by the minister. No nomination, however, is ever made by the director general, or by any one below him, of any person not on "*Etats*" No. 82. Thus, every man's promotion mainly depends upon the impression his official conduct leaves upon those superior officers with whom he is in immediate contact, and who have the best means of appreciating him.

As an additional precaution, and for the better enlightenment of the director general, on the 1st of January of each year the inspectors, sub-inspectors, and principal receivers, prepare what are termed "*signolements moraux*" in regard to all persons under their immediate orders who had received commissions from the director general, or from the minister. These reports are expected to state, with exactness and impartiality, whether the employé has received a liberal education; if he has initiative discernment, firmness, deliberation; the grade of classic and administrative instruction; as to his administrative conduct; if he is zealous, assiduous; if his private life is creditable to the administration; as to the position of his family; if he is married or single; if he has children, and what, if any, other charges; the extent of his personal resources; if he merits promotion; if he will accept it in any department of the service in Algeria and the colonies, for example, and to what grade he is equal; and, finally, for what sort of employ he possesses special aptitudes. It is expected that those should be specially named in this list toward whom the opinions of their superiors

may have undergone a favorable change, in order that the previous records may not stand in the way of their future promotion, more especially if made from bad motives or without discrimination.

Further to assist the authorities in reaching accurate conclusions in regard to their agents, a system of annotations, or conduct record, has been adopted since 1802, which has been productive, it is said, of the happiest effects. A register is kept by every officer in command in the active or out-door service, who receives his appointment from the directors, of whom there are 31. In these registers an annotation is made of any grave negligence in the service, any want of subordination to superior officers or lack of respect to the public, any infraction of rules against passing the frontier, entering cabarets unnecessarily, drunkenness, or any scandalous conduct outside of those more serious offences which involve dismissal from the service, degradation, or surrender to the officers of justice. These annotations are transmitted hierarchically to the captain. The captain, after verifying the facts, sends it with his remarks to the inspector, who sends it back to him with authority to inscribe the annotation against the offender, if he finds the facts justify it; if not, he reserves his decision until he makes his next tour of inspection in that division.

If the annotation is inscribed, and while it remains, the subject of it is incapacitated for competing for promotion, and excluded from participation in certain gratifications, amounting to some 300,000 francs a year, which are divided among certain classes in the active service. A first annotation can only be removed by six months of unexceptionable conduct; a second, by a year; and a third, by 15 months.

The overseer who receives a fourth annotation for an offence similar to the one which provoked the preceding annotation, forfeits his commission; and for a second offence he is sent to a post of smaller pay, if there is any. The brigadier is degraded for the third annotation, on account of the same offence. Less offences are visited with reprimands, but the third reprimand in the course of the same year provokes an annotation.

Thus it happens that every six months from the day a young man enters the service until he leaves it, a careful record is made of every change in his conduct calculated to affect his value as a public servant. He is judged and reported upon every year or two by different persons, so that he never can be for any considerable period the victim of unjust prejudice or the object of an undeserved partiality. Officers who make these reports are rendered cautious in their judgments by the risk they run of having them received each successive year by officers of a higher grade and of more consideration, as the subject of them is promoted. These records remain as testimony not only for or against the officer reported upon, but for or against the fairness, the discrimination, and the vigilance of the officers reporting.

Thus every official phase of every man's career in the revenue service of France, for nearly a century, can be turned to and verified at a moment's notice, and the judgment of his superiors brought to a test which furnishes the highest possible guarantee against prejudice and favoritism. Thus the faithful servant of the government is secure, not only of a permanent position that cannot be seriously affected by any political vicissitudes, but he also has a prospect of promotion according to his merits, depending in the least possible degree upon political influence and personal favor. For this security he can afford to accept comparatively moderate compensation. The emoluments of a French revenue officer are scarcely half what are enjoyed by officers of the same grade in the United States; and yet, reckoning the cost of procuring the commission and the uncertainty of retaining it, the United States officer is not nearly as well paid as the French. Here is a list of the salaries paid to officers of the central administration in France. I give the amount in dollars, at the rate of five francs to the dollar.

Director general, \$6,000 a year; administrators, \$2,400; heads of bureaus, four classes, \$1,800, \$1,600, \$1,400, \$1,200; sub-heads, four classes, \$1,100, \$1,000, \$900, \$800; principal clerks, \$700, \$600, \$540; expeditionaries, \$480 to \$240.

In the department service the salaries range as follows:

Directors, four classes, \$2,400, \$2,000, \$1,800, \$1,600; directors' clerks, divided into three grades of two classes each, receive from \$600 down to \$200, according to their rank.

Inspectors, in three classes, receive, respectively, \$1,200, \$1,000, \$900. The sub-inspectors, also composed of three classes, receive \$700, \$600, \$500.

The receivers, divided into seven classes, receive salaries ranging from \$1,200 to \$500, and the assistant receives from \$480 to \$200. The controllers, consisting of four classes, receive from \$600 to \$480. The verifiers, in three classes, receive from \$440 to \$320 and less. The visitors, \$200.

The captains receive from \$480 to \$400; the lieutenants from \$320 to \$240; brigadiers, \$200 to \$190; sub-brigadiers, from \$180 to \$170; overseers or *préposés*, sailors, &c., &c., \$160 to \$150; storekeepers, \$200 to \$180.

The receipt of any sort of present or gratuity in recompense for their services, except from the state, is strictly prohibited, and any person guilty of the offence is visited with a fine, and in some cases with imprisonment.

Besides these salaries the officers of the French customs and their widows are further secured against the contingencies of the future by retiring pensions.

At the age of 60, and after 30 years' service, a right to a retiring pension, *par ancienneté*, as it is called, is complete. Those who have been 15 years in the active, as distinguished

from the sedentary, service, can retire at 55 years of age, after 25 years' service. In case of inability to discharge his duty from moral or physical causes, the full term of service is not required as a condition of being retired. The pension is based upon the average of regular emoluments received and enjoyed by the candidate for the six years preceding his application. The pension is the one-sixtieth of the average pay for each year of service, except in case of 25 years in the active service, when a small percentage is added. In no case can the pension exceed three-fourths of the average pay, nor the following maximums:

Pay	\$200 and under	\$150
"	202 to \$480, $\frac{2}{3}$ of the the average pay, not to go below \$150.	
"	480 to 640	320
"	640 to 1,600, half the average pay.	
"	1,600 to 1,800	800
"	1,800 to 2,100	900
"	2,100 to 2,400	1,000
"	above \$2,400	1,200

As a partial indemnity to the state for these pensions, each officer bears a light tax every year upon his salary while he is in the service.

All the law and regulations upon this subject will be found in Delandre, pages 98 to 113 inclusive.

Such is the system by which France trains a class of picked men for her revenue service from their early manhood; profits by the labor of the best years of their lives, and by all the experience and skill which they possess and acquire during the 20 or 30 years they are in her employ, by a well-digested system of compensations and discipline; contrives to weed out all who prove unprofitable, and, at an expense far below what the same service could be procured for any private business, to provide herself with a corps of from 20,000 to 30,000 men remarkable in every respect for their intelligence, their efficiency, and their fidelity.

I have been at particular pains to inform myself in regard to the fidelity of the service, and what, if any, kind of corruption prevailed in any of its departments. I was assured by Mr. Masseron that such a thing as fraud or corruption of any kind was almost unknown. The system of inspection is so rigorous, the reports so frequent, and the consequences of fixing an act of corruption or even of neglect upon any one so fatal to him, that it is impossible for an evil-disposed officer to get up through the lower grades, where the opportunities for committing fraud are most limited, without being detected, degraded, or dismissed. Any man who has an imperfect appreciation of the value of a good character, even in matters of minor importance, will be constantly thrown back, and four annotations for the same offence dismiss him from the service. Under such a system advancement becomes impossible except upon ample proofs of good character and capacity.

I have confirmed this impression from other sources. An American gentleman, who has been largely engaged in commerce in Paris, assured me that in all the principal custom-houses of the world, of which he had a large experience, he had found a little money, judiciously bestowed, would hasten the delivery of goods and secure other important facilities in the transaction of custom-house business, but that in France he could do nothing with money; a polite and respectful appeal to those whose service he required was the only stimulant he had ever found, of any avail. During my residence here I have never heard of a French custom-house officer being successfully approached with money or a bribe of any sort.

The French custom service is very numerous. The following is about the force now employed:

Administrative and collective service:		Active or brigadier service:	
Directors	31	Captains	279
Clerks of direction	167	Brigadiers and sub-brigadiers	5,087
Principal and subordinate receivers	790	Lieutenants	545
Clerks of all classes	644	Overseers of all classes	17,599
Inspectors	95	Mounted men	52
Sub-inspectors	82	Cockswains	394
Controllers	86	Sailors	1,420
Verifiers and visitors	714		
			25,374
	2,609		27,983

A large force is necessary for a service conducted with so much system, and where so much work is required; for about everything that is done by an officer in command is reported upon to some superior in writing. It is in this way that the supervision and accountability is rendered so perfect.

But there is another reason why a larger force is employed than the simple collection of the revenues absolutely requires. The revenue force of France is a military as well as civil organization. Every man in it is a soldier, and capable of taking the command to which his rank in the service entitles him. If he has not seen active service, he has, at least, been duly trained and disciplined to arms. The advantage of this is, that the force thus employed

and scattered all along the frontiers, both by land and sea, and familiar with the country, constitutes a reserve of incalculable value in case of a foreign war. It can garrison all the frontiers by land and sea, and thus liberate the whole regular army for any service to which it may be called. This actually occurred during the Italian campaign of 1860. Paris, and many other parts of France, were exclusively garrisoned by the revenue force. This secondary duty does not interfere with the primary duties of the service, because till their beat is threatened with invasion they can attend to their regular business as usual, and when that is threatened, of course, all commerce across the threatened point is suspended, and the brigades are occupied in watching hostile soldiers instead of smugglers.

Permit me to conclude this report by stating my conviction, that there is much in the organization of the French revenue service by which the United States might profit, and I deeply regret that my ignorance of the details of our system does not permit me to point out more specifically the lessons to be derived from it. I may say, however, that in my judgment its greatest merits consist—

1st. In the perpetuity of the tenure of office, by virtue of which the country profits by the accumulated skill and experience of its servants.

2d. Its system of promotion secures the most competent and faithful men for the higher and more responsible grades of service.

3d. It takes only young men into service, and thus secures to the state the benefit of their service during the best years of their lives; and,

4th. It guarantees to them a constantly improving livelihood, and in case of accident, provision for their families, upon terms which furnish the incumbent a constant inducement to do his duty faithfully, and to render distinguished service when an opportunity is offered to him, and in turn secures that service to the state at very advantageous rates.

Unhappily, I fear, none of these advantages can be grafted upon our system of quadrennial changes in the administration. The whole value of the French system depends upon the permanent tenure of the service. The moment that is rendered insecure the whole fabric crumbles to pieces; and unless some method can be devised by which those who enter the subordinate departments of the United States government can be guaranteed a similar permanence, we must pay much higher salaries, get very inferior service, waste our experience, and, withal, fall a prey to the infinite brood of frauds which inevitably result from the constant conflict between interest and duty which our execrable practice of mutation in office engenders.

In confirmation of the high estimate I have formed of the douane organization of France, it is proper that I should state that the administration has been applied to by several foreign governments, including Italy, Russia, and Turkey, for working details of its operation, and for skilled officers of the French service to aid in transplanting it to their soil. One of these officers is now in Mexico, organizing a new revenue system for that country entirely upon the French model.

Yours, very respectfully,

JOHN BIGELOW,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

*Extract from Delandre, Traité Pratique des Douanes : Paris, 1858.—Tome 1,
pp. 96-142.*

ORGANIZATION.—FORCE EMPLOYED.

The general organization comprehends the graduated succession of offices, the prerogatives of the several agents, and the obligations imposed upon each within his individual responsibility, and the duties and the rights in respect of third parties.

Whatever may be the organization and the prerogatives, the obligations of each agent arise more especially out of the instructions he receives, varying, of course, with the relative force employed in each locality.

Theoretically, the corps employed in active labors must be distinguished from that whose duty is supervision and control; and it always is so in those great custom-houses where the value of the merchandise justifies great expense; but in many localities the departments will be combined, more or less.

Being compelled to provide for ever-pressing necessities and occurrences, varying to infinity, the administration must hold itself ready to employ men according to their real ability, while mindful of their acquired positions, without ever allowing these to interpose an obstacle to the rapid and continuous service of the establishment.

Higher administration.—The administration of custom-houses is directed and supervised, under the authority of the minister of finance, by a director general.

The minister of finance appoints, upon the recommendation of the director general, the heads of bureau in all the divisions of the central administration, inspectors, and principal receivers of the first, second, third, and fourth class.

The director general appoints, in virtue of his commission from the minister, the incumbents of all offices inferior to those designated above, except that the directors have the privilege of appointing to subordinate places in brigades, up to the rank of brigadier or patron, inclusively.

The director general, after advising with the administrative council, recalls the appointments, or dismisses the employés whose nomination is assigned to him.

He can also suspend the other employés, provided he immediately informs the minister, who decides the case.

Privileges of departments and bureaus of the central authority.—Central bureau and bureau of appointments.

1. Presentation of names for nomination to office by the supreme ruler, or by the minister.
2. Nomination to places in the bureau, and of officials for the management of custom-houses.
3. Nomination to all the employments, and to the duty of selling tobacco, (in the department of indirect taxation.)
4. Admission to the corps of supernumeraries; certificates of desert and lists of promotion; honorary badges; reception and transmission of despatches.

Every demand for the degradation or dismissal of an employé should be the subject of a report drawn up by the proximate superior of the accused person. This report, backed by the opinion of the intermediate heads, is transmitted to the director by the inspector of divisions, who accepts their conclusions only after a thorough examination, and after having heard the defence of the accused. If the latter is to be degraded or dismissed, the notice conveying this decision sets forth the grounds of such action, in order that he may be well informed of the cause of the proceeding against him, through a duplicate remitted along with the notification. All documents important to the understanding of the affair, especially the interrogatories, (which must always be reduced to writing,) should be arranged in a file by themselves.

The director ought to be acquainted with the kind of work performed by each person under his control. His previous consent is necessary to any changes among employés of the same grade when their effect is the acquisition or loss of any advantage; and he may always rectify proceedings adopted by the heads, even within the limits of their legitimate authority.

When the director deems it necessary to reinforce the service at any locality by detaching to it, temporarily, an employé of bureau, he must inform the administration of it by a special letter. All detachment of an employé with a view to private advantage is strictly forbidden.

Inspectors.—The inspector of a division, being superior of the department at the head of which he is placed, extends his activity over the entire field of service committed to him, while he watches all its details of execution. He checks the accounts of the principal and subordinate receivers, whose cash it is his duty to verify; and he holds these accountants responsible for sums whose receipt may have been lost sight of by a train of material errors.

The different employés are installed by the divisionary inspector. It is the inspector who, in case of necessity, suspends from duty the employés whose action it is requisite to arrest. He designates temporary employés for duties below those of principal receiver or sub-inspector, (subject to the approbation of the director,) and gives directions in all emergencies which may arise in the service, as in case of accident happening to employés.

To diminish the difficulties of inspection and collection through the assistance of employés, by means of facilities which they learn to create for themselves, and, above all, by striving that the intercourse between officials and those paying duty may be always agreeable; to watch over the former in their public and private conduct, as well as in the habits of expense existing in their families; to estimate their relative merit and their rectitude; to distribute among them, equitably, rewards and punishments: such are some of the principal duties of inspectors, duties the performance of which, if characterized by originality, by acuteness, by firmness, by moderation, and by a severe impartiality, has a most salutary influence upon the service.

As a whole, the inspectors should exercise their functions with a view to the interest of all, under the impulse of the director, to whom they are bound to render an exact report of the condition of the service under their control, and which, with this exception, is committed wholly to them.

Without prescribing the mode according to which the inspectors are to distribute their rounds, the administration rigidly insists that these shall be performed in a thorough and efficient manner, and that the examinations shall embrace only the number of stations that may be included without diminishing their efficiency.

It may be required, from the zeal of inspectors, that they give information, as speedily as possible, of the passage of contraband goods in considerable quantities; but it would be impossible, on such occasions, precisely to determine what are excusable delays, the value of an early discovery depending upon the nature of the circumstances and the results obtained. Such questions can only be referred to the decision of the director, who, with the report before him, must judge whether the inspector's examination was delayed too long, and address to him appropriate observations thereupon.

In those large ports where there exists a resident inspector as well as a general or divisionary inspector, the first, charged with the duty of giving orders and superintending their execution, presides at the daily distribution of the employés belonging to the residence, bureaux, and brigades; directs these officials, according to his single pleasure and at his own responsibility, in all the parts and all the details; decides directly on the daily exigencies which occur, in order to prevent delays, and inspects all the operations, except the money transactions, of the receiver general.

The local inspector is under the supervision of the principal inspector; but he owes him deference rather than obedience. Since both these heads are placed under the director, it is to the latter that the local inspector gives an account of the service, and applies for assistance in doubtful cases.

General and permanent decisions upon important points in all parts of the port service, or, otherwise, the code or series of directions which is most appropriate, must be determined by the director, with the concurrence of the local and principal inspectors.

Measures which, although general, are of minor importance, may be temporarily ordered by one or the other inspector, mutual consultation and finally gaining the consent of the director being supposed; but the initiative belongs to the principal director in matters relating to brigades, and to the local inspector in those which concern the bureaux, those of receipt excepted.

The local inspector regulates and follows out the daily application of the ordinances in all details, according to necessity.

The local inspector ought, by inspections as frequent as possible, to assure himself of the regularity of the different operations, accomplished or not.

The under-inspectors, assistants of the local inspector, watch and control, like him, not only the operations of the port but also the papers of the interior districts, and render to him each day an account of the result of their action. It should be remarked that in large custom-houses, examination of the sections can take place only on working days.

If the principal inspector should not consult with the local inspector upon any doubtful subject, he must refer it to the director.

On account of the importance of their work at the desk, the local inspectors alone can demand the services of an employé of bureau, or of a supernumerary, for the despatch of their manuscript labors.

Sub-inspectors.—Local sub-inspectors are attached to the most important custom-houses. The local sub-inspector, whatever may be his salary, is independent of the principal receiver, or subordinate, but is not his superior.

Being especially charged with the direction and control of the service of inspection, the sub-inspector has in other matters merely the power of oversight, without being able to extend it to the supervision of the receiver's cash. He assigns and distributes, according to his pleasure, the duties of inspectors of merchandise, whose immediate superior he is. He extends his oversight to all the other employés, and rectifies and regulates all branches of the service, (except the state of the cash,) the papers of the receiver, the registry of receipts, the notes and vouchers of expenses, extracts of statistics, &c. To repeat: while the receiver, chief or subordinate, directs, oversees, and controls the whole custom-house, except the inspecting department, it is the duty of the sub-inspector to oversee the examination of goods, and to superintend the whole custom-house, the papers of the several departments, except the actual condition of the cash. This simultaneous surveillance and control, which makes up the province of the inspector, cannot fail to be advantageous to the service.

At those places where the magnitude of business does not require the appointment of a separate official for the care of the papers of inspection, that custody devolves upon the sub-inspector, who ought to review all payments before transmission to the receiver, and that in such a manner that there shall be no delay in expediting business.

In every custom-house controlled by a principal or subordinate receiver, whatever may be his salary, and by an under-inspector, if the latter discovers any irregularities in the accounts of the receiver, he must limit himself to reporting them.

The sub-inspector designates the examiner, who shall look into the goods, assures himself that in the space of one or two months every employé shall examine a nearly equal number of ships or vehicles, and takes the precautions necessary to conceal the knowledge who shall be the examiner employed in any particular case. Whenever it is possible, he will be present at inspections. As soon as a vessel arrives he demands the manifest, clearance, &c., in order to compare them. He ascertains whether the manifest is signed by the captain. He takes care that the ships be discharged in the order of the numbers indicated on the list.

General reports of the service are made out every three months, and addressed in duplicate, to the director, by the divisionary or local inspectors, and by the sub-inspectors, local or divisionary.

The divisionary inspectors and sub-inspectors present for each month, in the first week following, a summary exposé, in simple duplicate, exhibiting, first, a chronological statement of the circuits performed, with the specification of the bureaux and stations visited each day, and, moreover, an enumeration of the portions of the residentiary service which have been examined. Second, a tabular view, recapitulating the circuits of the captains, lieutenants, and inferior officers, and the amount of their service.

Inspectors being required to oversee each month, and in an exhaustive manner, all parts of the service, all the bureaus and all the posts of their division, must declare if they have omitted any in their examination, and, when that case occurs, for what reason. These reports should enable the administration itself to judge what may have been the individual activity of the heads of service.

Bureau service.—The bureaus, according to their importance, are composed of principal or subordinate receivers, comptrollers, general agents, examiners, (in the principal bureaus,) searchers, (in the lower bureaus,) and clerks.

Whatever may be the graduation of salaries, the receiver is theoretically superior to the sub-inspector, although occasionally, in view of prerogative, the sub-inspector, when he supervises a division, or acts in virtue of a special order from the inspector, may be called to verify the transactions and the cash of the responsible party. In other circumstances these two are completely independent of each other.

The privileges of principal receivers vary according to the locality. In custom-houses of the first-class, when there is a local inspector, the general receiver being engrossed by the work of receipt, takes no part in the other operations of the bureau, while the inspector directs and oversees in his place.

In other custom-houses all the labor is under his direction, (except that of inspection when there is a sub-inspector,) superintendence, and control, and he can exert authority over all classes of employés without regard to their special duties. The functions of the receiver-general are, specifically, to report in condensed form the receipts and condition of all the bureaus of his principality, meet all its expenses, pay over all funds, prosecute all litigations in the courts, never proceeding, however, in such matter without the sanction of higher authority, nor neglecting, in case of necessity, the help of professional advocates. He has the direction and assistance of the officials in respect to giving or withholding credit, depositing in warehouses, giving certificates of deposit and other kinds, and he corresponds with the director on all matters appertaining thereto. His immediate superior is the divisionary inspector, who examines his work, but cannot give him orders, except for the execution of legislative or imperial ordinances, unless, indeed, some exceptional uncertainty should arise, for the solution of which the receiver-general requires the advice of the divisionary inspector. On the receiver-general devolves the duty of drawing up the list of appointments of bureau employés.

The receivers must ascertain whether the accounts of payments sent to them are well vouched; that is to say, if they are free from errors of computation, if the examiner has made a correct application of the tariff; if he has taken into view abatements on account of tare, advance of price, &c

The receiver makes application of the statutes on his own responsibility. But he must report to the general or divisionary inspector, as if to the director, the exceptional decisions which he makes on his own responsibility.

In the prosecution of litigated cases he is the natural proxy of the administration, which always makes choice of his house for a residence.

Independently of the receipt of funds, responsibility for them, and the care of litigation, the receiver-general is intrusted with the correspondence on all matters of business, which, although instituted in great custom-houses under the supervision of the local inspector, may be considered as of the nature of liens on the treasury; for example, the recovery of duties, the exaction of certificates, warehousing, the payment of insurance.

The comptrollers, the chief clerks, the examiners in large custom-houses, the special agents who are associated with them, and the subordinate receivers whose salary is less than 2,000 francs, may be competitors for the offices of sub-inspector, and principal receiver of the fifth and sixth class.

Supernumeraries.—Every person who wishes a position in either of the bureaus must begin as a supernumerary.

The candidates for the situation of supernumerary must submit to a previous examination.

The decisions of the minister of finance, made at the suggestion of the general director, fix the standard of intelligence demanded from the candidates, the conditions of age and fitness required in order to be admitted to this examination, and designate the persons in whose presence it must take place.

The result of the examinations is transmitted to the central administration, who, each year, prepare the list of candidates recognized as admissible. This list is submitted to the minister of finance, who sanctions it, and decides the number of candidates called to fill vacancies which may occur during the year.

Admission to the supernumerariat in the management of custom-houses takes place according to the following rules:

Each competitor is required to certify:

1st. That he is at least 18 years old, and not more than 25; and to prove this, he must produce a certificate, in due form, of the time of his birth.

2d. That he is a native of France.

3d. That he is exempt from all constitutional weakness, and from all physical deformity.

4th. That his character and mode of life are unexceptionable.

5th. That he possesses, either personally or by inheritance, the means of securing his livelihood during the period of his supernumeraryship.

6th. That he has the knowledge and ability requisite for the position.

This last requirement must be determined by an examination before a special committee.

The committee for examination of candidates is composed (in the central administration) of a comptroller, three heads of bureaus, and an under head. At the headquarters of each directorship, of a director, an inspector, a receiver-general, a sub-inspector, and of the head clerks of the bureaus of that directorship.

The presence of three members of the committee is sufficient for it to proceed to business.

The presidency belongs to the employé highest in rank among those present.

This rule has been introduced in view of an event which might happen, namely, the absence from some unforeseen cause of one or two members of the committee; but, generally, in the directorships the three highest members conduct the examination, the two lower members being retained to supply a deficiency.

It is very expressly urged upon the higher officers who are required to participate in these examinations, to make it a most serious duty to be present always, except in case of absolute inability, and to take an active part in examining candidates. An interest of great importance attaches to this duty being well performed, that of possessing a good corps of successors to the administrative body.

The members of the examining committees are appointed each year by the director-general, who fixes also the periods for the assembling of the committees.

In mixed directorships, the committee of examination is composed of a director, an inspector of customs, an inspector of indirect taxes, the chief receivers of the two sorts of service done at the residence, of a manager or superior agent for tobacco, at those stations where there exists a bureau of cultivation or of manufacture.

The first condition of admission to examination is, that every candidate express himself willing, if he should be received, to make his residence wherever the administration shall judge best to designate him. The only exception is in favor of the sons of employés, and for reasons which must be previously referred to the director-general.

Before proceeding to the examination, the director shall make known to the candidates that, if any among them are willing to take their station in the department of indirect taxation, this concession shall make their admission as candidates twice as easy, and their appointment as supernumeraries more prompt.

The programme of questions is narrow and simple. The questions are short and of easy solution. The trial, once begun, proceeds from the first moment continuously and without interruption. Therefore, the session opens at 8 o'clock in the morning, and closes at 4 o'clock in the afternoon. Only, the next day, the candidates may be examined beyond the specifications of the programme, upon other subjects on which they may be prepared.

A distinct and separate report is drawn up by the examining committee upon each of the three branches of service, customs, indirect taxes, and tobacco.

The candidates who, having been notified of the time, do not directly appear, are held to have forfeited their right to examination.

The programme of subjects at the examination for admission is as follows:

1. A page of writing, under dictation, on paper not ruled; the candidate not being allowed to correct his orthography by means of any book or foreign aid.

2. The same page recopied in a neat hand.

3. Grammatical analysis of a part of the text of this page.

4. Computations in the first four rules, theory of proportions, solution of many problems in elementary arithmetic.

5. Knowledge and system of measures.

6. Drawing up notes and accounts according to given model.

7. Solution of various questions upon physical and political geography.

8. Composition of a letter or a note upon a given subject.

The candidate can be examined, besides, upon other subjects, indicated by himself as being objects of his past study, as the living and dead languages, law, chemistry, natural history, linear drawing, &c.

The results of the examination of each candidate are stated in a report, to which are annexed the written answers presented during the continuance of the session.

If the candidate is a bachelor of letters, a copy of his diploma, certified to by the president of the examining committee, is annexed to the report.

The report ought to contain an opinion whether the candidate is or is not worthy to be admitted as a supernumerary. In cases of equal merit, preference is given to sons of employés of known desert. Each committee should draw up, besides, a list of the candidates it has examined, classing them in order of merit. These lists and reports, addressed to the director general, are used to form a general list of the candidates, which is submitted annually to the minister.

This general list is accompanied by all the information and documents necessary to inform the minister respecting the fitness of each of the candidates.

As an exception to the previous rules, the conditions of examination and supernumeraryship are not imposed upon officers and brigadiers of the active service who, disabled by

wounds or physical infirmities from the discharge of their duties, are fit to be usefully employed in the administrative branch, or as collectors, and have been designated for this purpose in the lists of promotion.

The number of supernumeraries in the custom-houses is fixed at the twentieth part of all the employés of bureaux.

Each supernumerary must hold his place a year at least.

Supernumeraries are attached to the bureau of central administration, the bureaux of direction, or of principal receipts.

It is for the heads of the service a duty to which they are in honor bound to watch over supernumeraries with solicitude, both as regards their work and their conduct.

Admission to the corps of supernumeraryship is secured by order from the director general. The director in whose division any person is nominated for admission should address to the administration (personal division) a sheet of recommendations relative to him.

No person can be permitted to work in the bureaux, of whatever kind, unless an employé or a supernumerary.

It is not allowable to permit persons not employed in the service to mark a despatch, or any part of it. The employés must therefore transcribe the authenticating marks, and the weights in gross of the packages, upon the certificates of transit, or of exchange of warehouse, as well as upon the supplementary sheets attached to their despatches.

THE CIVIL SERVICE.

The term "civil service" is a phrase popularly used for general convenience, and represents the large body of men by whose labors the executive business of the country is carried on. It has been officially stated that the civil service includes more than 50,000 officers, which would make it a class more than twice as numerous as the clergy. Deducting, however, 4,000 as office-keepers, messengers, &c., 17,000 as inferior revenue officers, postmen, &c., and 15,000 artificers and laborers employed in the various government dock-yards, we may calculate that there are, in round numbers 17,000 civil servants of the higher class who are engaged in the various public offices of the United Kingdom. It must, however, be remembered that the higher and the lower, the intellectual and the mechanical, departments under the crown, are all branches of the civil service. A secretary to the treasury and a tidewaiter in the customs, for instance, are equally component parts of the civil service; yet it would be difficult to quote two members of the community who have less in common, or to imagine two situations in life imposing duties and exacting requirements more thoroughly dissimilar on all essential points. The discrepancies and minor distinctions of the civil service are innumerable. Each office has its specialty, and every department is governed by its own rules and traditions, as its members are remunerated by distinct rates of pay. The term "civil service," therefore, represents a thing heterogeneous in its nature, embracing posts of a very different *status* and widely varying value. The object of this work is so to classify these situations as to enable the aspirant for government employment to ascertain at a glance the respective advantages held out to him by each department of the state, the indispensable qualifications he must himself possess before he is eligible for admission into such department, and the particular channel of patronage through which he may best hope to obtain a nomination.

In estimating the advantages of the civil service, and particularly if we compare its attractions with those offered by the professions, it is necessary to remember that, though the remuneration may not be high as compared with the law, it is, in the superior offices at least, high as compared with that of the army and navy, and even of the church; but, practically speaking, the money to be earned is the solitary attraction. A clerk in a public office may not even dream of fame to be acquired in that capacity. He labors in an obscurity as profound as it is unavoidable. His official character is absorbed in that of his superior. He must devote his talents and his skill to measures, some of which he may probably disapprove, without having the slightest power to prevent them; and to some of which he will most essentially contribute, without having any share whatever in the credit of them. He must listen silently to praises bestowed on others, which his pen may have earned for him; and if any accident should make him notorious enough to become the suspected author of any unpopular act, he must submit silently to the reproach, even though it be totally unmerited by him. These are, indeed, the indispensable disadvantages of a clerk in a public office, and no man of sense or temper will complain of them. On the other hand it must be remembered that a person is eligible for admission into the civil service at an early age. He is not required to have taken an university degree, or to have gone through a professional course of education. No outfit is required; he is not compelled to procure uniforms or horses, to hire chambers, or to buy books. He avoids the vicissitudes and uncertainties of an open profession; his advancement, if his conduct is good and his attendance regular, is a matter of course. His position may be obscure, but if he is not praised for his acts, neither is he blamed for them; if he does not enjoy personal distinction, he avoids personal responsibility with respect to the public at large. The income of the civil servant may be more moderate

than that of the successful mercantile man, but it is fixed and certain; and when declining health or waning powers warn him of the necessity for rest and quiet, he has the prospect, nay the certainty, of a provision for the close of life, and this is perhaps the strongest motive offered by the state for the fidelity of its servants.

The leading members of the civil service consist of two classes; the one strictly civil, and the other political; the one permanent, the other changing with the change of ministry. Some departments and offices are presided over by persons who have won their way to their present high position by struggles in the House of Commons, and who hold their offices only as long as the party to which they have attached themselves remains in power. Other offices are presided over by persons who are virtually appointed for life, and some of whom owe their elevation to a similar political career; others there are (and it speaks well for the country that this is an increasing class) who, having worked their way up from the inferior classes, now preside over the office in which they commenced early in life at the drudgery of the desk. It is scarcely to be expected, and perhaps not to be wished, that the pressure of the political party which is in the ascendant should not make itself felt in the first choice of candidates for government appointments. The nominations to clerkships in the public offices are accordingly made in the two following manners: Where the office is under a political head, the appointment is in general made by the head of the department; where it is not under a political head, the appointment is in general made by the prime minister, who acts through one of the parliamentary secretaries of the treasury. The numerous appointments of the subordinate officers of the customs and inland revenue departments are made in the latter manner. With regard to the post office, which revenue department is under a political head, a portion of the officers are appointed by the postmaster general himself, and a portion upon the nomination of the secretary to the treasury.*

Government situations are ordinarily obtained this wise: A member of Parliament, whose political opinions coincide with those held by the party in power, is asked by an influential constituent to get a place in a government office for a relation or a friend. The member of Parliament applies to the parliamentary secretary of the treasury, who has the distribution of patronage, or to the political head of some department. The secretary to the treasury, or the head of the department, willing to gratify a parliamentary supporter, accedes to the request, and presents the member's *protégé* with a *nomination* to one of the junior clerkships in his gift. The person nominated does not, however, as a matter of course, enter the public service, for *no interest, however powerful*, can confirm an appointment unless the nominee is able to obtain a certificate of fitness from the commissioners of the civil service appointed by the crown.† Before granting their certificate the commissioners ascertain—

First. That the nominee is within the limits of the age prescribed for the department to which he desires to be admitted.

Secondly. That he is free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties.

Thirdly. That his character is such as to qualify him for public employment, and

Fourthly. That he possesses the necessary knowledge and ability for the proper discharge of his official duties.

Different requirements are needed in different, and even in cognate offices, although certain standard every-day qualifications are equally demanded in all. These indispensable qualifications have been established by the various heads of departments, and are rigidly enforced by the examiners of the civil service commission. The examiners are men of indisputable learning and integrity, and there can be no doubt that they impartially admit into the service every nominee possessing the necessary skill and knowledge prescribed for the particular branch to which he may be appointed, and peremptorily reject every candidate who falls below that standard. The functions of the civil service commissioners end, however, with the examination of the candidate and the report on his fitness. When the person nominated has proved, by certificates, that he is within the prescribed limit of age, and is reported to have the requisite degree of constitutional vigor, and the necessary intellectual and educational endowments, he enters upon a period of probation, during which his conduct and capacity for the transaction of business is subjected to such tests as the chief of his department may think fit. If found competent, his appointment, which has been hitherto conditional, is now confirmed, and the responsibility of governing his conduct, and of his subsequent promotions, rests exclusively with the head of his office. Even the annual increase of salary is dependent on the certificate of the chief of the department that his conduct during the past year has been satisfactory. Each clerk is thus left to work his way freely on under the hourly observation of his colleagues and superiors, and by officially educating himself as he progresses from one stage to another, he is fitted, should he be called upon, to undertake the higher duties of the department.

It is hardly necessary to state that the primary appointments to the civil service are to junior clerkships; that in nearly every office an annual increase of salary is usually accorded to each official until he arrives at the maximum of his class; and that when this is reached, it is only as vacancies occur, through the death or retirement of his seniors, that any further augmentation of income can be attained.

* See Treasury.

† See Civil Service Commission.

HER MAJESTY'S CIVIL SERVICE COMMISSIONERS.

RIGHT HON. SIR EDWARD RYAN.
SIR JOHN GEORGE SHAW LEFEVRE, K. C. B.

SECRETARY : John G. Maitland, esq.
REGISTRAR : Horace Mann, esq., Barrister-at-law.

The examinations are conducted by the assistant examiners to the commission, with the occasional aid of other gentlemen, when the number of simultaneous candidates or subjects renders such aid necessary.

ASSISTANT EXAMINERS.

Theodore Walrond, esq., M. A., late Fellow of Balliol College, Oxford.
Edward Headlam, esq., M. A., Fellow of St. John's College, Cambridge.

EMPLOYED OCCASIONALLY IN GENERAL SUBJECTS.

G. Brodrick, esq., M. A., Fellow of Merton College, Oxford.
S. Butler, esq., M. A., late Scholar of Trinity College, Cambridge.
G. W. Dasent, esq., D. C. L., of Magdalen Hall, Oxford.
W. F. Edwards, esq., M. A., Fellow of Trinity College, Cambridge.
F. Headlam, esq., M. A., Fellow of University College, Oxford.
G. D. Liveing, esq., M. A., Fellow of St. John's College, Cambridge.
E. Poste, esq., M. A., Fellow of Oriel College, Oxford.
G. Roberts, esq., M. A., Fellow of Magdalen College, Cambridge.

EMPLOYED FOR SPECIAL SUBJECTS.

Dutch.—Rev. Dr. Gehle.
Eastern Languages.—Colonel Ouseley; C. B. Eastwick, esq.; J. W. Redhouse, esq.
French.—M. Dupont.
German.—Max Muller, esq., M. A., Fellow of All Souls' College, and Professor of Modern European Languages, Oxford; Rev. Dr. Walbaum, Chaplain to the Prussian Legation; Herr Fontaine.
Italian.—Count Arriavabene, Professor of Italian at University College, London.
Polish.—Major Czulczewski; M. Sosnowski.
Russian.—Rev. E. Popoff, Chaplain to the Russian Embassy.
Civil Engineering, &c.—Captain Galton, R. E., late Assistant Secretary to the Board of Trade.
Law.—H. S. Maine, esq., LL. D., Reader in Jurisprudence to the Hon. Society of the Middle Temple.
Physical Science.—M. H. N. Story-Maskelyne, esq., M. A., Deputy Reader in Mineralogy, Oxford.
Physiology.—Dr. W. B. Carpenter, F. R. S., Professor of Medical Jurisprudence in University College.

FOR EXAMINATIONS IN SCOTLAND.

A. C. Longmore, esq.

FOR EXAMINATIONS IN IRELAND.

G. Johnstone Stoney, esq., Secretary to the Queen's University in Ireland.

GOVERNMENT EXAMINATIONS.

Government situations are not in the gift of her Majesty's civil service commissioners. The functions of these commissioners, as regards first appointments to the civil service, are never exercised until after a nomination has been made to some vacant situation. It has been imagined that the power of making appointments is now taken away from the Crown and its officers and transferred to a body of examiners. This is not the fact. The conferring of certificates of eligibility is not patronage, but a judicial act. The examiners for honors at the universities of Oxford, Cambridge, or London have not the patronage of honors any more than the lord chancellor, when he decrees an estate to one person instead of another, has the patronage of the estate. The distinguishing feature of the present system of nominating to the civil service is merely that appointments are no longer bestowed by the independent exercise of unrestricted patronage, but are received subject to the limitations and conditions specified in the following extract from an order in council, dated 21st May, 1855:

And it is hereby ordered, that all such young men as may be proposed to be appointed to any junior situation in any department of the civil service shall, before they are admitted to probation, be examined by or under the directions of the said commissioners, and shall receive from them a certificate of qualifications for such situation.

And it shall be the duty of the commissioners in respect of every such candidate, before granting any such certificate aforesaid—

1st. To ascertain that the candidate is within the limits of age prescribed for the department to which he desires to be admitted.

2d. To ascertain that the candidate is free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties.

3d. To ascertain that the character of the candidate is such as to fit him for public employment; and

4th. To ascertain that the candidate possesses the requisite knowledge and ability for the proper discharge of his official duties.

The standards of qualification are fixed by the various heads of departments, acting in co-operation with the civil service commissioners, and the list of prescribed subjects is in every instance liable to alteration. In all cases, whether of success or failure of candidates, the commissioners reserve to themselves alone the duty of granting or refusing a certificate; and for all acts done under their authority they hold themselves exclusively responsible.

There are two sorts of examinations in use at the civil service commission. The one of these is the competitive or maximum examination, which has been twice approved by resolutions of the House of Commons, and the object of which is to select the best of a given number of candidates; the other is the standard or minimum examination, the object of which is to ascertain that every candidate possesses, at the least, a certain prescribed amount of knowledge. The first of these, for example, is such an examination as determines who is senior wrangler at Cambridge: the second is such an examination as that of a candidate for a common pass degree at Oxford. By which of these two methods a candidate's fitness is tested is not determined by the commissioners, but depends solely upon the nomination he receives from the authorities. Competitive examinations are not open to all comers, able to fulfil the requisite conditions as to age, health, and character, but are limited to such persons as are nominated by the authorities, who have the duty of appointing to the vacant situations.* A competitive examination being fixed, the commissioners, instead of, as in the case of a simple nomination, conferring a certain guarantee of efficiency, are required to select the best among the candidates nominated to compete. The examiners receive from the commissioner clear and precise instructions, and carry them into execution with rigid fidelity. As far, therefore, as the matter can be settled by answers to questions, the comparative intellectual proportions of the candidates are determined with unerring precision, and their selection reduced to the simplicity and certainty of an arithmetical problem. Marks are given for each subject, and the successful candidate is the one who obtains the greatest number of marks in the aggregate, provided he has done sufficiently well in all the prescribed subjects. The last report of the commissioners shows that this is not always the case, and it sometimes happens that the candidate at the top of the list does not obtain the appointment, because he has failed to exhibit a minimum of proficiency in some one of the subjects.

The ordinary examinations are instituted for a double purpose:

First. To ascertain the candidate's fitness for the actual duties which he will be called upon to perform upon his first admission into office.

Secondly. To test his education and general intelligence.

For the first of these purposes he is almost invariably tested in writing, orthography, and arithmetic, a lower or higher degree of proficiency being required according to the situation to which he is appointed. In this class of subjects may also be included, in certain departments, book-keeping; in others, the power of making a précis of correspondence and official papers, or some acquaintance with English composition. For the second purpose of the examinations, various subjects have been selected by the different heads of departments; among them are the outlines of history, geography, Latin, or, as an alternative, some foreign language, either previously defined or left to the option of the candidate. Some of these prescribed subjects have not a direct relation to the business to be transacted, but are intended as tests of education and intellect. The commissioners consider them extremely useful, both in determining the positive merits of a nominated candidate and in ascertaining the relative merits of candidates in a competitive examination.

In all examinations, whether competitive or otherwise, the marks of merit are so arranged as to give due weight to excellence in strictly practical acquirements, as contradistinguished from the subjects denoting intellectual cultivation; and it may be added that, apart from actual information or the knowledge of particular facts, the general intelligence, good sense, and good taste of the candidate, as manifested in this manner of treating the subjects proposed to him, are not without weight in the assignment of marks.

The examination in extra subjects is an important item in the existing arrangements. The commissioners consider it of advantage, both to the public service and to the candidates themselves, that in addition to the subjects prescribed by the departments to which they are appointed, opportunity should be afforded them of showing their ability and acquirements in other branches of knowledge. Candidates are therefore allowed and encouraged to offer themselves voluntarily to be examined on subjects with which they may believe themselves to be well acquainted, and a statement of the result of such examinations, if satisfactory, is added to their certificate of competency.

There is scarcely any limit to this permission; even in the case of a candidate professing purely professional knowledge, such as an acquaintance with the principles of civil engineering, provision has been made by the commissioners to duly test his proficiency, and the result has been recorded on his certificate; but it must be remembered that these are merely honorary subjects, and neither compensate for failure in a prescribed subject, nor to receive marks in a competition.

* See "Under Government."

HINTS TO CANDIDATES.

It is now proposed to give a brief general notice of the principal subjects in which candidates are examined. The various standards of qualification prescribed for admission into each department will be found in the table of contents, which is so arranged as to enable the reader to turn at once to any specimen of the examination papers to which he may have occasion to refer.

Writing.—Good handwriting is officially defined as “consisting in the clear formation of the letters of the alphabet;” it should also be rapid, neat, and of that even stroke which allows legible copies to be taken by pressing. The candidate’s fitness in this subject is tested by his writing from dictation, and by the degree of proficiency he displays in copying his orthographical exercise. As this qualification is of great practical importance in the business of an office, no candidate should neglect to take means to insure competency.

Spelling is tested by dictation, (which in examinations for the lower offices is invariably short and easy,) and by the submission of a paper purposely misspelt, which candidates are expected to correct. This paper is adapted to the eye of the candidate much in the same manner as that which is dictated addresses itself to the ear, and the commissioners consider that, far from adding to the risk of failure in the case of a candidate moderately conversant with the rules of orthography, it diminishes that risk by giving him the opportunity of showing what he can do when his attention is expressly called to the matter, and when he is free from the nervousness which may sometimes be occasioned by dictation. The orthographical exercises set to candidates for clerkships and similar positions frequently consist of from 20 to 30 lines of misspelt English or general history, which they are requested to copy clearly and legibly, correcting mistakes of spelling and grammar, but not otherwise altering either the words or their order.

Dictation.—The course pursued to test the candidate’s proficiency in this subject is, to select a passage of average difficulty, to read it through in the first instance with ordinary rapidity, in order that its general purport may be understood, afterwards to read it more slowly, so as to allow of its being taken down, and then either to read it once more, or to give the candidate time to correct his performances. The exercise for the lower offices consists of about a dozen lines of the simplest English, and in the case of letter-carriers is restricted to three or four lines. For clerkships and similar offices, from 12 to 20 lines are read by the examiner from some English classic. Candidates are cautioned, by a notice printed at the top of the paper on which they write, that attention must be paid to clear and legible handwriting, to correct spelling, and to proper punctuation.

Arithmetic.—This is regarded as one of the most important of the prescribed subjects, and a considerable preponderance is assigned to it in the distribution of the marks of merit. In the examination for the lower offices the arithmetical questions are of the very simplest character, and in no case do those prescribed reach beyond vulgar and decimal fractions; further, as will be seen from the examples hereafter given, the examination papers are so framed as to present nothing to the candidate of a puzzling character, being merely sufficient to ascertain whether he understands the principle, and is acquainted with the practice in the portion of arithmetic to which the questions belong. In the lower offices the examination is restricted to addition, multiplication, subtraction, and division, (in money, weights, or measures;) and in the case of letter carriers it is confined to addition and subtraction. In the examination of candidates for clerkships and similar offices, compound addition is made a special subject, for which separate marks of merit are assigned; the other questions, where a “knowledge of arithmetic, including vulgar and decimal fractions” is required, commence at reduction, and extend as far as decimal fractions.

Bookkeeping.—In some departments “bookkeeping” simply, in others “bookkeeping by double entry,” and in others again a “knowledge of the principles of bookkeeping” is required. The various papers are adapted, as far as possible, to these distinctions of phraseology; and in decisions on doubtful cases regard is had to the degree of proficiency which the departmental authorities require. From candidates for situations in the inland revenue department, for example, a higher degree of proficiency is exacted than in some other cases is deemed sufficient. In some instances the questions include the ruling of a set of books. No erasures are permitted, but if any entries are thought to be wrong, they may be cancelled by drawing a pen through them, so as to leave the original clearly visible. The candidate is not allowed to make a fair copy of his answers, and if in answering his paper (when “double entry” is prescribed) he finds that so long has been taken by the first part as to render it unlikely that the whole can be finished in the time allowed, so much only must be proceeded with as can be completed, it being important that at least a portion of the paper should be carried through all the books.

English composition.—The candidate is not, in general, required to write anything in the nature of a formal theme or essay; but some very familiar and simple subject is selected, such as the Great Eastern steamship or the Crystal Palace, upon which he is to write an imaginary letter to a friend. In other cases the candidate is required to give his written opinion on some book, place, or subject with which he may happen to be familiar. A short sketch of the life and character of any one of the kings of England, and a notice of the life

and writings of the author of any well-known and standard work, are among the subjects which have been set to candidates in an ordinary examination. The exercise is intended to test the power of writing correct and grammatical English, and not less than two folio pages should be written.

Précis writing is the art of presenting a succinct, faithful, and intelligent abridgment of documents or correspondence. This subject tests several very important intellectual qualities, and the commissioners value it highly in the relative distribution of marks. It will be seen that the candidate receives "instructions" from the examiners, along with the correspondence of which a *précis* is required. The making a short abstract of several letters, and the drawing up of a memorandum or *précis* stating briefly their contents, the indexing correspondence for easy reference, and the making a summary of parliamentary evidence, are the several methods adopted to test the candidate's ability in *précis* writing.

History and geography.—The examination papers on these subjects are so framed as to defeat the practice familiarly known as "cramming," and at the same time to give opportunities to those who know but little to show some degree of information, and to those who have been well instructed to display a greater amount of knowledge. To give an account of the leading statesmen of a particular reign; to mention the names of the commanders on each side, and the general result of some of our most famous battles; to state the principal events of a certain epoch in history, in all cases with dates, are fair specimens of the kind of questions of which an historical examination paper is composed. In geography the candidate may be called upon to mark the position of the principal towns, and to trace the course of the chief rivers, on an outline map of some European country; to explain fully the meaning of the geographical terms commonly in use; to enumerate the independent states of Europe and their capital towns; and to make a list describing the position of the most important foreign seaports with which England has commercial dealings, stating the country to which each belongs, and the principal articles of its trade with Great Britain. These, with other questions of a like nature, form an ordinary examination in geography. Unpaid attachés are specially examined in the geography and statistics of the country to which they are about to proceed.

Latin, modern languages, and extra subjects.—Examinations in languages, literature, and science are instituted for the purpose of ascertaining the relative ability, industry, and general education of the candidate. It is as an evidence of these, rather than in reference to the value of the attainments themselves, (except when from the nature of the appointment they fall into the class of practical subjects, as French and modern history, in the foreign office,) that the commissioners regard the display of merit in these branches of knowledge. In offices where Greek or Latin are prescribed, a passage of from twenty to thirty lines of some well-known author, such as Homer or Tacitus, is given to be translated into English. Translation into Greek or Latin is not prescribed for any office, but is introduced into those competitive examinations of which these languages form a part. When French, German, Italian, Spanish, or Russian is either prescribed or selected by the candidate as a branch of his examination, a page of a foreign author, such as Voltaire, Goëthe, Ariosto, Quintana, or Ystrjaloff, is given to be translated into English. Translation into these languages is not prescribed, except in the examination of candidates for the diplomatic and consular services, but it is, except in the case of candidates for the admiralty, introduced into all competitive examinations of which these languages form a part. Equity, common law, political economy, Euclid, algebra, trigonometry, geology, chemistry, and natural science, are all subjects which have been set, either in competitive examinations or when voluntarily chosen by candidates with a view of displaying their industry and intelligence.

Time and place of Examination.—After obtaining a nomination in the manner indicated in "Under Government," the candidate receives instructions from the civil service commissioners. Generally speaking not more than a fortnight elapses between nomination and examination. The commissioners hold examinations weekly throughout the year, commencing on the Tuesday, and their usual practice is to examine candidates at the next weekly examination after they receive notice of the nomination. Sometimes, however, there is a longer interval.

Competitions are occasionally held in Edinburg and Dublin for situations in Scotland and Ireland; but the examinations for situations in London are always held at the offices of the commissioners, Dean's Yard, Westminster, S. W.

The commissioners sometimes despatch one of their staff to provincial towns to conduct competitions for clerkships in such places.

The time occupied by the examination varies, according to the extent of the prescribed course, from two days to four or five.

Order of examination.—Candidates for competition, nominated by the treasury, usually receive from that department a notice of the day appointed for their examination, and subsequently receive from the civil service commissioners the following formal order, which is their passport to the examination room, and which explains the nature of their examination:

CIVIL SERVICE COMMISSION,
Dean's Yard, Westminster.

Mr. ———, having been nominated to [compete* with ——— other candidates for] ———,

It is ordered that he be examined at ———, on Tuesday, the ———, 185—, at — o'clock precisely, in the following prescribed subjects: †

1. Writing from dictation.
2. Arithmetic, including vulgar and decimal fractions.
3. English composition.
4. Geography.
5. English history.
6. ———.

It is also ordered, at his own request, that he be examined in the following extra subjects:

[This order must be produced on the day of examination.]

Rules of examination.—Each candidate receives the following code of instructions:

1. Every candidate is required to present himself punctually at the time specified in his order.

2. The examination will commence every morning at ——— and close at 5 p. m. An interval of about an hour will be allowed in the middle of the day.

3. Each candidate is required to sign his name every morning, before proceeding to his examination, in a book kept for that purpose.

4. Candidates will be permitted to leave the examination room for a short time, after having given up each paper, before proceeding to the next; but no candidate can be allowed to quit the room until he has given up the paper on which he is engaged.

5. No candidate will, on any account, be permitted to exceed the time allowed for each paper. Candidates are warned to pay attention to any instructions on this subject which may appear on the papers given to them.

6. Candidates are required to write their answers on the paper which will be given them, and to write their names at the top of every sheet of paper which they use.

7. Any candidate who is dissatisfied with the pens, ink, or paper supplied to him, is requested to apply to one of the examiners; but those who are accustomed to use any particular kind of pen are recommended to bring it with them.

8. Copy of notice given to candidates:

"Cases having occurred in which candidates under examination have been detected in attempting to use books and manuscripts which they had brought with them for their assistance, the civil service commissioners think it right to give notice that they will regard any offence of this description, committed either in the examination room or elsewhere, during the hours of examination, as affecting the moral character of the candidate, and as rendering it necessary that his certificate should be refused.

"Any candidate copying from the papers of another, or permitting his own papers to be copied, or receiving or giving assistance of any description, will expose himself to the same penalty."

9. Each candidate is informed by letter from this office of the results of his examination as soon as his case is disposed of.

10. The commissioners usually return the baptismal certificates, &c., of candidates who have failed in their examinations and apply for those documents; but it must be understood that no candidate is, under any circumstances, entitled to claim the return of any certificate deposited by him in their office, and that official forms are not in any case parted with.

Limit of age.‡—The following particulars show the evidence of age required from candidates:

I. Every candidate born in England or Wales after the 30th of June, 1837, should produce a certificate from the registrar general of births, marriages, and deaths, or his provincial officers. These certificates may be obtained at Somerset House, or from the superintendent registrar of the district in which the birth took place.

II. Every candidate not producing the above certificate must prove his age by statutory declaration, and should also, if possible, produce a baptismal certificate, or an official extract from a non-parochial register, deposited at Somerset House, under the act 3 and 4 Vict., cap. 92.

This regulation applies—

1. To all candidates not born in England or Wales.
2. To candidates born in England or Wales on or before the 30th of June, 1837.
3. To candidates who, though born in England or Wales after the 30th of June, 1837, cannot produce the registrar general's certificate.

* If the examination is not competitive these words are omitted in the order.

† These subjects vary according to the office for which the candidate is nominated. (See List of Departments.)

‡ For limit of age prescribed for admission into each department, see "Under Government."

The civil service commissioners reserve to themselves the right of deciding, in each case, upon the sufficiency of the evidence produced, but they subjoin the following general rules for the guidance of candidates:

(a) The declaration should specify precisely the date and place of birth, and should, if possible, be made by the father or mother of the candidate. If made by any other person it should state the circumstances which enable the declarant to speak to the fact. If an entry in a Bible or other family record be referred to, the Bible or other record must be produced at the time of making the declaration, and must be mentioned in the declaration as having been so produced.

(b) If the candidate was born in England or Wales after the 30th of June, 1837, the declaration must contain a statement that after due inquiry no entry has been found in the books of the registrar general, or a separate declaration containing that statement must be made.

(c) If no extract from a parochial or non-parochial register is produced, the declaration must contain a statement that after careful inquiry no such record has been found, and that none is believed to exist, or a separate declaration containing that statement must be made.

(d) Statutory declarations must be exactly in the form prescribed by the act of 5 and 6 William IV, c. 62. The eighteenth section of that act is as follows:

"And whereas it may be necessary and proper in many cases, not herein specified, to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds or other matters: Be it therefore further enacted, That it shall and may be lawful for any justice of the peace, notary public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him, in the form in the schedule to this act annexed; and if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor."

The prescribed form is the following:

"I, A. B., of ———, do solemnly and sincerely declare, &c., * * * and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late majesty, entitled 'An act to repeal an act of the present session of Parliament, for the more effectual abolition of oaths and affirmations taken and made in the various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

Instructions.—Candidates resident in the metropolis, or its vicinity, receive their order and instructions on their personal attendance on days specified in letters sent to them; but competitors resident in the country receive the following letter, enclosing their order and instructions through the post:

CIVIL SERVICE COMMISSION, DEAN'S YARD,
Westminster, S. W.

SIR: In consequence of a communication which has been received, acquainting the civil service commissioners that you have been nominated to compete for ———, I am to enclose an order for your examination, with other papers, and at the same time to request your attention to the following particulars:

1. The paper marked "Form A" should be filled up by you, and sent to this office by return of post, in the enclosed envelope, together with the other half of this sheet.

2. The evidence of age required by the enclosed instructions should be sent at your earliest convenience, as also the certificate as to your health, filled up and signed by a duly qualified medical practitioner.

I am, sir, your obedient servant,

—————

[This portion of the form to be torn off, signed, and sent with "Form A."]

Received:

1. An order of examination dated for the *—— day of ——.*
2. "Form A."
3. Instructions as to evidence required.
4. A form of medical certificate.

(Signature.) ———

* The date to be filled up by the candidate.

Antecedents—Candidates are required to insert in the following form particulars of their age, education, and previous employment.

FORM A.

[To be filled up by the candidate himself.]

It is important that this form should contain a full account of the employment of your time since leaving school, whether passed in business, or however otherwise occupied.

Christian name and surname (in full).....	
Usual signature, and date.....	
Usual address..... [If two addresses, state also that to which you wish the result of your examination to be sent.]	
Day and year of birth..... Age on last birthday..... Place of birth.....	
Father's name..... Father's residence..... Father's profession or trade..... [If deceased, give the last residence, profession, &c.]	
Schools..... [Mention the school or schools at which you were educated, stating the kind of schools, whether public or private, collegiate, national, British, &c. Mention the length of your stay in each, and the name of the master of the school last attended.] Age on finally quitting school.....	
Referees as to character..... [Mention the names and addresses of two responsible persons who are well acquainted with you in private life.]	
Medical referee..... [Give the name and address of the medical practitioner who has generally attended you or your family.]	
Are you free from pecuniary embarrassments?.....	
Have you been on any former occasion examined by the civil service commissioners?..... [If so, state when, and for what situation.]	

First situation.

1. Name and address of employer, &c.....
2. Business, &c., of employer.....
3. Position held by you.....
4. Salary or wages.....
5. Length of stay (giving dates).....
6. Cause of leaving.....
- Occupation in interval between first and second situation.....

From ——— to ———

Second situation.

1. Name and address of employer, &c.....
2. Business, &c., of employer.....
3. Position held by you.....
4. Salary or wages.....
5. Length of stay (giving dates).....
6. Cause of leaving.....
- Occupation in interval between second and third situation.....

From ——— to ———

FORM A—Continued.

<i>Third situation.</i>	
1. Name and address of employer, &c.....	
2. Business, &c., of employer.....	
3. Position held by you.....	
4. Salary or wages.....	
5. Length of stay (giving dates).....	From _____ to _____
6. Cause of leaving.....	
Occupation in interval between third and fourth situation.....	
<i>Fourth situation.</i>	
1. Name and address of employer, &c.....	
2. Business, &c., of employer.....	
3. Position held by you.....	
4. Salary or wages.....	
5. Length of stay (giving dates).....	From _____ to _____
6. Cause of leaving.....	
Occupation in interval between fourth and fifth situation.....	
<i>Fifth situation.</i>	
1. Name and address of employer, &c.....	
2. Business, &c., of employer.....	
3. Position held by you.....	
4. Salary or wages.....	
5. Length of stay (giving dates).....	From _____ to _____
6. Cause of leaving.....	

Character.—The following letter and list of questions is sent to each person whose name and address is given by the candidate as having employed him subsequent to his leaving school; a similar form is sent, omitting the fourth question, to the referees, whose names and addresses are given by the candidate as responsible persons well acquainted with him in private life:

CIVIL SERVICE COMMISSION, S. W.

SIR: Mr. _____, a candidate for the junior situation of _____, having stated that he was employed by _____, I am directed by the civil service commissioners to request that you will oblige them by filling up and returning to me, in the enclosed envelope, the "statement" hereto annexed. The postage need not be paid.

I am to add that your answer will, if you desire it, be regarded as confidential, and that the word "confidential" should in that case be written on the envelope.

The favor of an early answer is requested.

I am, sir, your obedient servant,

_____.

[*This portion of the form to be torn off, filled up, and returned in the envelope sent therewith.*]

Statement respecting _____, a candidate for the junior situation of _____.

QUESTIONS.

1. Are you related to the candidate? If so, what is the relationship?
2. Are you well acquainted with the candidate?
3. From what circumstances does your knowledge of him arise?
4. Will you have the goodness to mention the dates of his entering and quitting your employment, and his reasons for leaving?
5. How long have you known him?
6. Is he strictly honest and sober, intelligent and diligent?
7. Do you believe him to be free from pecuniary embarrassments?
8. What do you know of his education and acquirements?
9. Has he ever been in the service of the government? and if so, in what situation?
10. What has been the state of his health since you have known him?
11. Are you aware of any circumstance tending to disqualify him for the situation which he now seeks?

[Signature.] _____
[Address.] _____

[Date.] _____, ____.

Unsuccessful candidates.

In cases where the commissioners are obliged to refuse their certificate, the candidates receive the following circular, apprising them in which of the prescribed subjects they have failed:

CIVIL SERVICE COMMISSION,
Westminster, S. W.

SIR: I am directed by the civil service commissioners to acquaint you that the results of your recent examination have not been such as to justify them in granting their certificate of qualification.

The subject in which you failed ——— specified below, but it is desirable you should understand that if you are again nominated to the same or a different situation, you will be examined in all the prescribed subjects, and will not receive your certificate unless you pass to the satisfaction of the commissioners in all.

I am, sir, your obedient servant,

* * * * *

The commissioners consider that the only serious evil to be apprehended from this course of proceeding is, that the information of details of failure may lead to the second nomination of those who have failed, and that a system of cramming in respect of the particular deficiency may be resorted to. In such cases, however, this evil is obviated by an examination carefully adapted to test the reality of such knowledge. Any candidate, therefore, expecting a second nomination, should strenuously apply himself to the thorough mastery of the subject or subjects in which he previously failed.

GUIDE TO THE CIVIL SERVICE.

1. *History and proceedings of the civil service commission.*—For many years the unsatisfactory condition of the permanent civil service had attracted considerable attention, as well out of Parliament as in, until, in 1853, a commission was appointed with a view to the improvement and reorganization of that body. In November of the same year Sir Stafford Northcote and Sir Charles Trevelyan addressed a report to the lords of the treasury, stating their opinion that “the right of competing for appointment in the civil service should be open to all persons of a given age, subject only to the necessity of giving satisfactory references to persons able to speak to their moral conduct and character.” Her Majesty’s speech at the opening of Parliament in 1854 contained the following passage: “The establishment required for the conduct of the civil service, and the arrangements bearing upon its condition, have recently been under review, and I shall direct a plan to be laid before you which will have for its object to improve the system of admission, and thereby to increase the efficiency of the service.” No such plan was laid before Parliament, but on the 21st May, 1855, her Majesty issued an order in council, appointing Sir E. Ryan, J. G. Shaw Lefevre, esq., C. B., and E. Romily, esq., commissioners for conducting the examination of young men proposed to be appointed to any of the junior situations in the civil establishments, and authorizing them to give certificates of qualification before such young men entered on their duties. After due consultation with the heads of the several departments of the civil service, a scheme of examinations was prepared, and the first examination took place on the 30th June, 1855, since which time examinations have been held nearly every week.

The principle of examination has not only been twice affirmed by resolutions of the House of Commons, but has been more formally sanctioned by two acts of Parliament. The “Act for the better government of India,” (1859,) by its thirty-second section, recognizes the system of open competition, which had previously been established for appointments in the Indian civil service, and provides for the conduct of the examinations by the civil service commissioners, enacting that without their certificate no candidate shall be admitted to service in India. The superannuation act, passed in the same year, provides that, with certain exceptions, no person appointed after its date shall, for its purposes, be considered as serving in the permanent civil service of the state, unless admitted with a certificate from the civil service commissioners. In February, 1860, a select committee was appointed by the House of Commons “to inquire into the present mode of nominating and examining candidates for junior appointments in the civil service, with a view to ascertaining whether greater facility may not be afforded for the admission of properly qualified persons.” In the report of this committee, dated 9th July following, the competitive principle is very strongly affirmed, and private patronage condemned. The committee do not, however, propose any sweeping change, but think that “an important step in advance will have been taken if, for the system now generally prevailing of simple nomination, there be substituted one of lim

ited, but of real, competition;" and they recommend, accordingly, "that from henceforth every vacancy occurring among clerks in the civil service be competed for by not less than three candidates, to be nominated as at present, each of whom, in the first instance, shall have passed the preliminary test examination, except in the case of a single vacancy which shall not be competed for by less than five. The committee also recommend that several vacancies should be competed for at once, and that the present objectionable course of the commissioners, who inquire into the moral and physical qualifications of the candidates after examination, should be immediately altered. They further observe that "success in obtaining qualified candidates for the civil service must depend quite as much on the prospects and opportunities of promotion subsequently held out to the clerk in his official career, as on the immediate pecuniary advantages offered, or the judicious selection of young men in the first instance."

Ten reports have already been presented by the commissioners; from the latest of which, dated 12th June, 1865, it appears that the total number of nominations since the commencement of their proceedings in May, 1855, amounts to 29,763. The number of competitors for the superior situations in 1864 was 790 for 251 places, out of which 517 received nominations. Of the remaining 273, 241 fell below the standard of competence; 19 failed in respect of age; 5 in respect of health; and 8 in respect of character. For the inferior offices—letter-carriers, &c.—out of 2,384, 1,931 certificates were granted.

2. *Mode of examination.*—The mode in which the examinations are conducted in London is usually as follows: The candidates meet at the office of the civil service commission, Dean's Yard, or else at Great George street, Westminster. The arithmetic paper is given on the first morning, and the time allowed is about three hours; the afternoon is generally occupied with six or more long sums in compound addition (to be cast up without an error,) with dictation, exercises in orthography, and composition.

From many classes of candidates, as will be seen further on, no other test of proficiency is required. Others, whose examinations include a greater variety of subjects, are engaged for two or three days according to circumstances. On Wednesday morning the history paper is given, and in the afternoon the *précis*; on Thursday, geography and composition; and on Friday, languages and mathematics. This order depends, however, entirely upon the pleasure of the examiners, and may be changed at any time. The examination in voluntary subjects for honorary certificates never takes place until after the candidates have received notice that they have passed in the required subjects.

To insure uniformity of standard, the provincial examinations are all under the control of the central commission. The necessary papers are issued from the metropolitan office, to which the candidates' answers, with specimens of handwriting, and certificates, are returned for inspection, the commissioners deciding absolutely upon the documents then laid before them.

There is in "pass" examinations no fixed minimum, nor are marks assigned. The candidates are reported upon by epithets applied to the work they have done, the use of which is so far constant as to supply a fixed test. The commissioners, not the examiners, decide in all cases whether the candidate has passed or not. In competitive examinations marks are employed; and there are no *viva voce* questions, except in those cases where a *conversational* knowledge of a modern language is specified.

Candidates to be examined in London are generally required to attend at Dean's Yard on some day preceding that fixed for their examination, when they fill up a form containing particulars as to age, education, former employment, &c., and also give references as to character. Each then receives instruction as to the evidence of age and health required in his particular case; and, from the information thus given, the secretary writes to his referees, and also to any recent employer; to the education department, if he has been a pupil teacher; or to any of the government offices in which he has been employed. If he has served in the army or navy, or mercantile marine, he is required to produce his discharge. In all cases the commissioners refer to his former situation as to his general character; but whatever the inquiries may be, they do not delay the examination, though no certificate is granted unless the result of the inquiries is satisfactory.

As a general rule every paper is looked over twice, each of the two permanent examiners going over the other's work. In some cases, where it is perfectly clear to one of them, this is not necessary; both, however, make themselves jointly responsible for all that they do. They next report to the commissioners, who revise the papers and marks, and pronounce their decision; the successful candidates being selected as the result of such revision. Their decision is then announced to the treasury or other department, when the successful candidates are written to and requested to attend at the treasury or other office (as the case may be) on a day named, to choose their place, if there is a choice. The commissioners sometimes write to the candidates within about eight days after the close of the examination, though very often a fortnight elapses, sending them a list of marks, informing them of the place they each obtained in the competition; and, of course, whether successful or the contrary. The form of proceeding is pretty much the same in the case of "pass" examinations. The practice of renominating unsuccessful candidates within a short time after their failure having led to abuses, the lords of the treasury have fixed three months as the shortest period after which they will grant a second nomination, and in the admiralty and war office an

interval of six months is required. A third chance is rarely offered to the unsuccessful candidate.

In a competitive examination each candidate is required to obtain a certain amount of marks in all the prescribed subjects.

3. *Preliminary examinations.*—Shortly after the publication of the report of the House of Commons committee of 1860, the whole character of the examinations was changed by the establishment of a preliminary or test examination, which all candidates are required to pass before going up for any competition. The subjects in this "little go" are generally limited to handwriting, orthography, arithmetic, and English composition, with Latin and book-keeping, where the departmental regulations require a knowledge of these subjects. The names of the successful candidates are returned to the treasury, where they are entered in the "qualified" list, from which all competitors for vacancies are chosen. In the year 1864, of the candidates nominated for preliminary examination, 204 passed the test and 160 failed.

In the preliminary examination, handwriting and arithmetic are the most important subjects.

(a) *Handwriting.*—Good writing consists in the "clear formation of the letters of the alphabet;" it should be "rapid, neat, and of that even stroke which allows of legible copies to be taken by pressing." With a moderate degree of perseverance and industry, this kind of handwriting is attainable by almost every educated person, and yet a slight acquaintance with official life shows that this most useful accomplishment is somewhat exceptional. Complaints are constantly made by the commissioners regarding the very unsatisfactory condition of the handwriting that comes before them. Great stress should be laid upon this subject. No particular style is required, provided the writing possesses the main characteristic of legibility.

(b) *Spelling.*—The ability of the candidates in this most necessary branch of education is tested by their writing from dictation a passage of average difficulty. One of the examiners first reads aloud some passage from a book or extract from a newspaper, that the candidates may catch its general scope; he then reads it more deliberately, so that it may be written down; and lastly, he goes over it once more, that candidates may have an opportunity of correcting their errors and inserting the stops.

When an additional test of orthography is required, (as it is in all but the foreign office,) the somewhat objectionable plan is adopted of requiring the candidate to correct the erroneous spelling in a printed paper altered for the purpose. Earl Russell and Mr. Hammond, under-secretary in the foreign office, recommended as the best way of overcoming the difficulties of this "bad spelling paper," "to learn your line by heart, and shut your paper up and write from your head, not from the paper." There is no rule as to the number of faults in spelling that will "pluck" a man, as they are of such different quantity. "Some of them," says one of the examiners, "are really almost such that one of them would prove very great ignorance in a man, while others are so slight that you hardly know how to compare one with the other." No candidate has ever been rejected for less than *eight* or *ten* distinct errors in spelling; and there was a well-known case in which a candidate was not rejected until after much consideration, although his orthographical blunders amounted to *thirty-one*. The weight given to spelling is very great in competitive and pass examinations. The column in the reports of the competitive examinations headed "General Intelligence," has reference solely to the intelligence shown in the dictation and in correcting the orthography paper, including also the copying paper, where that is used.

(c) *Arithmetic.*—The examination under this head includes two sets of papers—the elementary, given to tidewaiters, weighers, doorkeepers, messengers, &c., and to candidates for temporary employment and in certain offices; the higher, commencing with reduction and ending with decimal fractions, given to candidates for permanent clerkships. The "test" does not extend the limits previously assigned, but the examiners require "the correct execution of a certain proportion of the sums set, especially in the addition of money." The difficulty of the long addition sums may be best overcome by dividing them into portions of five or six lines each, and then adding these partial totals. The number of questions set in the "test" paper is usually under forty.

(d) *Composition.*—The aptness of a candidate in English composition is not in general tested by requiring him to compose a formal theme or essay; but some familiar subject is selected as the topic on which he is to write. The subjects usually bear upon the events of the day or of recent occurrence, as "the Fenian insurrection," "the volunteer review," "the advantages and disadvantages derived from works of fiction," or some book or place with which the candidate may happen to be familiar. The commissioners "have found but few instances in which a candidate has shown great facility in composing even an ordinary letter." In assigning marks under this head, they have regard only to the exercise, strictly so called, and not at all to the style in which the questions are answered in the other papers on geography, history, or any other subject.

An important change was made in 1863 by the war office in the mode of admission to that department. Candidates who pass the test examination are appointed "temporary" clerks, and in order to become "established" clerks they have to compete—five for a single vacancy, and four each if several vacancies are to be filled up. Those who fail to pass the test examination cannot be nominated again until after the expiration of six months, and upon a

second failure they are struck off the list. No candidate who fails in three competitive examinations will be sent up again.

4. *Final or competitive examination.*—Examination by competition is now almost entirely the plan adopted through which a government situation can be obtained. The mere *pass* is rarely resorted to, except in examinations for attachéships and offices in the consulate. The system of competition has been twice affirmed by resolutions of the House of Commons:

Resolution of 24th April, 1856.—"An address to thank her Majesty for having caused to be laid before this house the report of the civil service commissioners; to state humbly to her Majesty that the house has observed with great satisfaction the zeal and prudence with which the commission has proceeded in applying a remedy to evils of a serious character, the previous existence of which has now been placed beyond dispute; and also the degree of progress which has been made, with the sanction of the heads of various departments of the states towards the establishment of *a system of competition* among candidates for admission to the civil service; to assure her Majesty of the steady support of this house in the prosecution of the salutary measures which she has been graciously pleased to adopt; and humbly to make known to her Majesty that if she shall think fit further to extend them, and to make trial in the civil service of the method of *open competition* as a condition of entrance, this house will cheerfully provide for any charges which the adoption of that system may entail." (*Lord Goderich.*)

Resolution of 14th July, 1857.—"That in the opinion of this house the experience acquired since the issuing of the order in council of the 21st day of May, 1855, is in favor of the adoption of *the principle of competition* as a condition of entrance to the civil service; and that *the application of that principle ought to be extended*, in conformity with the resolution of the house agreed to on the 24th day of April, 1856." (*Lord Goderich.*)

The usual plan was (and to a great extent still is) to nominate three persons to one vacancy, when the candidate who obtains the greatest number of marks in the examination is appointed. But it was soon found that this was a very uncertain mode of filling up vacancies, and to some extent unfair to the competitors. In their third report, the civil service commissioners entered into the question at some length:

"With regard to the cases in which three candidates have been examined for one situation, we must notice an unsatisfactory result which is likely to arise, and which in fact has arisen, from the number of candidates who are to compete together being so frequently limited to three. In such cases it may and does happen, from time to time, that one or two of the competing candidates fail to reach the positive minimum which would entitle them to a certificate, so that the actual competition is either reduced to two, or virtually ends in a simple pass examination. Thus, out of 22 competitions for situations in the customs, there were ten cases in which only two, and eight in which only one of the candidates examined were capable of passing. In the inland revenue also, in 16 competitions, there were two in which two, and ten in which only one, of the candidates examined could have passed, while in others three capable candidates competed for two situations, and four for three situations.

"In noticing these anomalies, we must admit that under any conceivable arrangement there will still remain differences in the average merits of one set of competitors and another set, and candidates may gain or lose by being accidentally placed in a weak or strong body of competitors; but, at all events, this evil would be very much diminished by having one large instead of several small competitions."

They took up the subject again in the fourth report, and, to enforce their views, quoted two recent competitions for junior situations, of the same nature and in the same office, in which the marks given were as follows:

FIRST COMPETITION.			SECOND COMPETITION.		
		Total marks.			Total marks.
Candidate No. 1.....		3,685	Candidate No. 1.....		1,355
" No. 2.....		2,530	" No. 2.....		1,256
" No. 3.....		1,365	" No. 3.....		865

"It will be perceived that No. 2 in the first competition had much higher marks than No. 1 in the second, and that even No. 3 in the first examination just surpassed No. 1 in the second, although the subjects of examination and the examination papers were the same in both, and the examination took place simultaneously."

The practical conclusion to which the commissioners arrived was, that the number of candidates should be increased, so as to bear a larger proportion to the vacancies, three to one being insufficient. As yet they have not succeeded, to any great extent, in altering the number of competitors; but large competitions are more frequent and with the most satisfactory results. It is evident that the chance of obtaining the best men must be greater in one large competition than in several small ones, even when the same number of prizes and competitors is maintained. Thus, if 60 men go in to compete for 20 situations, the 20 successful competitors in one contest of the whole number would be almost certainly superior to the 20 victors in 20 separate competitions of three each, because the second and even the third man in one of the small competitions would occasionally be found superior to the first man in another.

In consequence of the proved failure of the competitive system when thus worked, the House of Commons committee of 1860 recommended (as we have mentioned before) that no candidate should be allowed to compete for any vacancy, unless he had passed a preliminary "test" examination. This at once excluded the incompetent, put the competitors more on a level, and also increased the severity of the examinations.

The following table will show the progress made by the competitive system during the last seven years :

	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Number of examinations.....	122	96	80	94	118	133	131
Situations competed for.....	230	286	236	266	289	278	251
Number of competitors.....	745	1,260	688	812	994	920	859
Number examined.....	647	1,107	603	715	864	813	784

The most important competitive examination that has taken place since the establishment of the commission was that for eight vacancies in the office of the secretary of state for India. It was thrown open to all comers; and, out of 789 applicants, no less than 339 actually presented themselves for examination at Willis's rooms, on the 18th January, 1859. The examination lasted three days, six hours each day, interrupted only by a break for refreshment; and, on the 11th February the names of the successful competitors were declared. The third and fourth and the seventh and eighth were bracketed as equal; but as the eighth had failed in history and the ninth in handwriting, the tenth received the required certificate. Seven of the successful candidates offered themselves for a voluntary examination in extra subjects, and obtained honorary additions to their certificates for proficiency in Greek, Latin, German, French, political economy, Euclid, algebra, &c. The total of marks was 1,550, but the highest only reached 1,130, while the lowest was 84. Of the successful competitors, one was a sub-editor of a newspaper, one a school-assistant, two were schoolmasters, and three clerks.

The object of the final examination is to ascertain whether the candidate has received a liberal education, and, with this view, he will have papers set before him on the following subjects :

(a) *Arithmetic*.—In addition to the arithmetic paper given in the "preliminary," the candidate is now required to solve a number of miscellaneous questions or problems, which occasionally tax his ingenuity very sorely.

(b) *History and geography*.—In pass examinations an amount of knowledge in these subjects, rarely exceeding what may be acquired at good schools, has been received as sufficient. In competitions a much more extensive acquaintance with them is required.

(c) *Bookkeeping*.—The specimens given further on will enable a candidate to form some idea of what will be required of him, though the nature of some of the questions will make an experienced and practical bookkeeper smile. The paper given in the final examination is generally more difficult than that in the preliminary, and sometimes consists of problems only.

(d) *English composition*.—If the candidate passes this in the "preliminary," he will probably not be called upon for another essay.

(e) *Latin and modern languages*.—The candidate is required to translate into English, except where the department specially requires in addition a version from English into other languages. Latin and modern languages are mostly ranked among the voluntary subjects, except in the record office and a few others, where they are absolutely required.

(f) *Euclid and algebra*.—In Euclid a knowledge of the first three books would suffice for an ordinary examination; but the addition of the fourth and sixth, with some practice in working problems, would not be too much for a stiff competition. The algebra papers are usually "tough customers," and require a thorough knowledge of quadratic equations and of progression, arithmetical and geometrical.

(g) *Précis*.—In some offices, especially in the foreign and record offices, very great weight is attached to *précis* writing. Mr. Hammond considers it "the only test of a candidate's ability." The exercises given in the following pages will show the nature of the examination to be passed, and in what manner the candidate may best prepare himself for it. It is one of those studies, however, that can hardly be followed successfully without a tutor.

[From the London Times, May 18, 1868.]

INDIA CIVIL SERVICE.

The following are the successful candidates at the recent open competition for the civil service of India, provided they pass a medical examination to be held in London in the course of this week :

Numbers.		Name.	Total number of marks.
In order of merit.	In examination.		
1	207	Bowie, Robert Wylie.....	2,523
2	46	Beaven, Alfred Beaven.....	2,151
3	154	Ibbetson, Denzil Charles Jelf.....	2,129
4	157	Jenkyns, William.....	1,989
5	182	Clarke, Robert.....	1,978
6	217	Campbell, John Colin.....	1,976
7	127	Deas, Joseph.....	1,878
8	293	Buckland, Charles Edward.....	1,865
9	83	Morrison, William Hudson.....	1,838
10	103	Burgess, George Douglas.....	1,825
11	190	Channing, Francis Chorley.....	1,820
12	161	Thomson, John Brown.....	1,788
13	167	Fisher, Frederic Henry.....	1,738
14	79	Wallace, James.....	1,722
15	252	Redfern, Thomas Robert.....	1,694
16	128	Thomas, Henry Dealtry.....	1,631
17	135	Graves, Arnold Felix.....	1,666
18	117	Bullock, Frederick Shore.....	1,660
19	234	Dames, Mansel Longworth.....	1,642
20	221	Horan, Thomas.....	1,608
21	187	Rivaz, George Wilmot.....	1,600
22	118	James, Stephen Harvey.....	1,596
23	70	Weidemann, George Lever.....	1,590
24	248	Henderson, Henry Philipse.....	1,584
25	282	Monteath, James.....	1,554
26	276	Bourdillon, James.....	1,544
27	37	Brown, Arthur Ormsby.....	1,528
28	15	Paul, Alfred Wallis.....	1,521
29	172	Baines, Jervoise Athelstane.....	1,520
30	{ 215	Abbott, Leonard Charles.....	1,494
	{ 230	Bird, George Emilius.....	1,494
32	{ 20	Macaulay, Colman Patrick Louis.....	1,486
	{ 211	Marsden, Delabene Weston.....	1,486
34	263	Cornish, Robert.....	1,476
35	5	Skrine, Francis Henry Bennet.....	1,464
36	188	Meiklejohn, David Ogilvy.....	1,457
37	206	Cunningham, William John.....	1,454
38	208	Ommanney, Henry Travers.....	1,434
39	140	Elliot, Frederick Augustus Hugh.....	1,427
40	35	Batty, Herbert.....	1,414
41	175	M'Cullum, Edwin.....	1,405
42	96	Brown, Robert Shelton.....	1,401
43	163	MacCartie, Charles Falkiner.....	1,392
44	56	Acworth, Henry Arbuthnot.....	1,385
45	133	Oliver, Arthur Knapp.....	1,379
46	113	Underwood, Walter Gregory.....	1,373
47	42	Frost, Charles Evitt.....	1,365
48	227	Jacob, Philip.....	1,338
49	151	Fitz Gerald, James Richard.....	1,331
50	201	Horsley, William Henry.....	1,325

The number of candidates examined was 268. A table showing the marks obtained in each subject is being printed, and a copy will be sent to each candidate in a few days.

APPENDIX L.

ADDITIONAL TESTIMONY OF GOVERNMENT OFFICIALS.

State Department.

William Hunter, Second Assistant Secretary of State:

No. 3. As a clerk in State Department, May, 1829, at \$800 per annum; and gradually, by promotion, to my present position.

No. 33. Have no doubt that the measures referred to in the above question would be wise for the public good.

No. 34. If officers of this department were appointed under the system referred to, I am of the opinion one-third less could perform the duties now required.

No. 37. The civil service would be more efficient if employes were not so often changed. (See *ante*, p. 57.)

Treasury Department.

J. F. Hartley, Assistant Secretary of the Treasury:

No. 32. The uncertainty of position under the present system is inconsistent with hearty and entire devotion to public service.

No. 36. There are; with compensation less than one-third of average compensation of male clerks; principally employed in counting currency, notes and bonds, and are better adapted for that service than males, and in other employments compare favorably; efficiency would be increased by creation of grades, and merit rewarded by promotion.

(See *ante*, p. 58.)

J. M. Brodhead, Second Comptroller of the Treasury:

No. 3. Clerk and chief clerk from 1830 to 1837, and from 1840 to 1853; from February, 1853, to October, 1857, Second Comptroller of Treasury.

No. 32. Those having strong political backers, and consequently are negligent.

No. 33. Yes.

No. 34. Yes.

No. 35. Yes.

No. 36. Yes; 35 per cent. less than first-class clerk; in diligence, attention, and propriety of conduct they are superior to male clerks; in efficiency they compare favorably.

No. 37. My office would be rendered more efficient if my subordinates were obtained by transfer of competent clerks of the respective Auditors whose work is subject to revision of the Second Comptroller; now the new appointee is required to detect errors and perfect the work of experienced clerks; the salaries should be larger, so that the transfer would be a promotion.

(See *ante*, p. 36 and p. 62.)

Thomas L. Smith, First Auditor of the Treasury:

No. 3. Before present appointment was register of the United States Treasury for 16 years.

No. 17. Yes; by board of examiners, few have been rejected.

No. 33. The rules that govern the office is to test qualifications by examination before appointment to first class, and promotions to each class are made upon examination, in direct reference to qualifications for promotions.

John Wilson, Third Auditor of the Treasury:

No. 3. From 1831, with intervals, to the present time.

No. 17. Every clerk is subjected to a rigid examination; the questions are those that occur daily in the duties of the office, conducted by the chief clerk, subject to the examination of the Fifth Auditor and myself, constituting a board of examiners.

No. 32. Those who are backed by great political and congressional influence feel independent of the head of the office, and above the reach of salutary rules and regulations.

(See *ante*, pp. 33-41.)

Stephen J. W. Tabor, Fourth Auditor of the Treasury:

No. 3. For five years as county judge and two years as treasurer and recorder of Buchanan county, Iowa.

No. 17. Yes, *thoroughly*, by a board of examiners, consisting of the Hon. C. M. Walker, the Fifth Auditor, Darius Lyman of the Secretary's bureau, and myself, embracing reading, writing, arithmetic, grammar, geography, history, bookkeeping, spelling, and composition.

No. 32. Those who imagine they have outside or political influence to retain them in office.

No. 33. Answered in the affirmative.

No. 34. Some additional regulations in accordance with the idea in No. 33, but more ample, would have this effect.

No. 35. Most assuredly.

No. 36. There are, at \$900 a year, and perform their duties satisfactorily. The other inquiries answered affirmatively.

(See *ante*, p. 43.)

C. M. Walker, Fifth Auditor of the Treasury :

No. 3. Law clerk, &c., in the office of the Secretary of the Treasury, for two years.

No. 17. Yes; examination conducted by myself and some person in the department designated by the Secretary, embracing different subjects, and tested pretty fairly the candidate's qualifications, his knowledge of accounts, orthography, composition, arithmetic, grammar, &c.

No. 32. Those who are too youthful, or those who have little capacity for business or knowledge of affairs, depend solely on political, personal, or other such considerations, for their retention in office.

No. 33. Yes.

No. 34. Unquestionably; *if incompetent* clerks could be weeded out and skilled and competent men retained at increased salaries.

No. 35. Most unquestionably.

No. 36. Seven; \$900 per annum; lowest class of male clerks receive \$1,200; compare favorably with males for diligence and efficiency, &c.

No. 37. Elevate the standard of employes; exclude the paramount influence of political considerations; make merit and capacity the requisite in appointments and promotions; increase to a fair rate the compensation of those retained; permit no discharges except for cause.

(See *ante*, pp. 45-'65.)

H. J. Anderson, Sixth Auditor of the Treasury, for Post Office Department :

No. 3. In early life clerk of judicial courts for ten years, subsequently United States House of Representatives, from 1837 to 1841; governor of the State from 1843 to 1847; and United States Commissioner of Customs from 1853 to 1858.

No. 17. Yes; by a board of examiners, consisting of the Auditor, Hon. C. M. Walker, and Darius Lyman, of the Treasury Department; by written questions.

No. 33. Yes.

No. 34. Undoubtedly.

No. 35. Probably to some extent have that effect.

(See *ante*, pp. 40, 41.)

F. E. Spinner, Treasurer of the United States :

No. 3. Auditor and deputy naval officer, port of New York, from 1845 to 1849. Member of Congress from 1855 to 1861.

(See *ante*, pp. 39-40.)

N. L. Jeffries, Register of the United States Treasury :

No. 3. In military service from September, 1861, to October, 1866. From August, 1863, to August, 1864, was provost marshal general of States of Maryland and Delaware. From August, 1864, to September, 1866, on duty at the War Department as Assistant Provost Marshal General of the United States.

No. 17. There have been 81 appointments, 13 males and 68 females. All the male clerks have been examined as to their qualifications.

No. 18. The 68 female clerks were not examined.

No. 32. Those who rely on political influence.

No. 33. Yes.

No. 34. Yes.

No. 35. Yes.

No. 36. Yes. The compensation is much less. Those receiving \$900 salary perform service equal to that of males receiving \$1,600, in some cases. A system of promotion, depending on merit, adopted and *carried out*, would be of great advantage; but under present system of making appointments it would be impossible. Female clerks are as diligent and efficient as males.

H. R. Hulburd, Comptroller of the Currency :

No. 3. Clerk in office of Comptroller of Currency from January 24, 1864, to August 1, 1865. Deputy Comptroller from August 1, 1865, until appointment as Comptroller.

No. 17. Yes; all appointed under me, with reference to nature of work to be performed, and their intelligence, education, &c.

No. 32. The most inefficient are those whose applications are most strongly urged.

No. 33. Yes; provided the candidate should have reached a certain age, and received a good preliminary education.

No. 34. Yes.

No. 35. Yes; with the modification in regard to *seniority*, which alone would not be certain to advance the most meritorious.

No. 36. Thirty female clerks in my office as counters and copyists. They compare favorably in diligence, efficiency and attention to duty, with males. Classification of them by merit is just as desirable as of males.

The women are employed as counters of bank notes and as copyists. None of this kind of work is performed by men, and men could not do it better than it is now done by women.

The male clerks are all employed as bookkeepers or as correspondents, duties that could not be as well performed by women.

I think it would be well to have different grades for women. All are not equally meritorious, and some discrimination might, with great propriety, and I think with good effect, be made as to the grade allotted, or the compensation allowed. The stimulus furnished by the chance of promotion would operate with perhaps as much force upon the female mind as upon the masculine intellect.

No. 37. Better salaries should be attainable, by men of ability, in the civil service. During the last two years seven men, who by their ability and experience had become valuable to this office, have resigned, being offered higher salaries in active business. Banking institutions pay from \$2,500 to \$5,000 per annum to men for work which I am expected to have done, so as to defy criticism, at salaries of \$1,600 to \$1,800. This is a difficulty hard to be overcome.

(See *ante*, p. 61.)

S. M. Clark, Chief of Printing Division National Currency Bureau:

No. 3. Chief clerk of the office of construction in the Treasury Department nearly four years; subsequently engineer in charge of that office for about two years; and for the past five years have been the disbursing agent of the treasury extension.

No. 18. Yes; those pressed upon me by Congressmen; but few are now in the service, as I get rid of the undesirable whenever a reduction of force offers opportunity.

No. 19. The employments are specialties, requiring skilled experts who have been similarly employed in private life before; other branches of the work are new, and the hands require to be educated in it after being hired.

No. 32. Those recommended by members of Congress.

No. 33. Yes; the examination should be by the party who is responsible for proper execution of the work.

No. 34. Yes.

No. 35. Yes; if hired and promoted for merit, not seniority.

No. 36. There are; compensation half that of males, but they do not perform same class of service. But where service is same pay is equal. Appointments for competency alone, and promotions for merit, not seniority, improve general efficiency of the service.

No. 37. I infer that the committee intend that I shall here confine my reply to the efficiency and economy of conducting the division of which I have charge, though the question is framed sufficiently broad to cover the entire civil service of the government. I therefore, as a reply, reproduce the recommendation in reference to this division made in my report to the Secretary, and through him to Congress, in November, 1864, as a reply to the question:

"RECOMMENDATIONS.

"The Secretary directs me to state what legislation, in my judgment, is necessary, if any, for the future operations of this division, and to make such recommendations for his consideration as my experience in the work may dictate.

"In my judgment, this division, which now only exists *ex necessitate rei*, should be organized by law as a distinct and separate bureau, to be entitled '*The Engraving and Printing Bureau of the Treasury Department*.' The necessity for paper issues, in some form, is likely to be coexistent with the public debt, and the production of such issues in connection with the production of the currency for the national banks, and the large amount of printing and engraving required for the various drafts, checks, and certificates of the Treasurer, assistant treasurers, and disbursing agents, will give ample employment for such a bureau, if permanently organized and established by law. The internal revenue stamps, postage stamps, envelopes, postal money orders, and all similar work for other departments, could be more economically and safely produced by such a bureau than by the present method of contracting with individuals or private corporations. Much other incidental work would also naturally be done under such a bureau.

"The work should all be executed in a fire-proof building, to be erected and exclusively occupied for this purpose. A substantial but not costly structure should be built on the

grounds adjacent to the Treasury building, and communication between it and the rooms occupied by the Treasurer of the United States should be made by a subterranean passage between the two buildings through which the printed values could be transmitted, thus avoiding such risk of transmission as attends the present method of carrying the finished money through the main halls and passages of the treasury, to which both the public and the treasury force have free access. The experience of the past two years in this division, in connection with the detailed descriptions which have been obtained of the construction of the buildings in which the Banks of England and of France prepare and issue their notes, will enable the interior accommodations to be economically and conveniently planned for the safe prosecution of the work, if such a structure should be authorized by Congress.

"The head of the bureau should be appointed by the Secretary of the Treasury, subject to confirmation by the Senate. Its affairs cannot, in my judgment, be successfully administered by a division of its responsibility under different heads. One chief, and one alone, should guide its details, under the general direction of the Secretary of the Treasury, to insure its economy, safety, and efficiency. Perfect integrity, with a familiar knowledge of all the details of the work to be done, should be combined in this head, and about him every possible guard should be thrown, to prevent all opportunity for fraud or malfeasance.

"A rigorous system of accountability—frequent, and where it is possible, *daily* adjustment of accounts—regular and systematic daily reports, to be carefully scrutinized and tested by competent officers not connected with the bureau, will be found essential safeguards; and these, if properly systemized and made of record, will, at all times, satisfy the department and the public of the daily condition of the trust. But no system, however ingeniously and skilfully devised, will compensate for lack of integrity; and *freedom from all desire of gain* should largely characterize the incumbent of such an office. Men of such character, amply qualified, are readily found, if sought for in the proper walks of life. They are to be sought for the office, as they are not seekers after office. The merchant and manufacturer find no difficulty in getting such men for private establishments, and government need not, if it seeks in the same quarter and offers like inducements for permanency upon proper discharge of the trust and performance of the duties. The salary should be sufficiently large to insure a maintenance with reasonable accumulation, and the tenure of the employment should not be subject to political changes. The employment should continue so long as the duties are well and faithfully performed.

"The employes upon the work should be hired and discharged, on their merits, by the head of the bureau alone, who should be held strictly accountable for the integrity and good conduct of all his subordinates, for the correctness of the accounts, and for the safe handling of all the products. To this end he should be empowered to make such rules and regulations for the guidance of these subordinates as he is willing, personally and officially, to abide the result of. Any method of business which places out of his control the complete power over his aids, or which lessens the belief and knowledge of that power among them all, will, I feel the strongest conviction, result in disaster. Experience proves that the adoption of such guides for the employment for these responsible mechanical operations, as usually guide appointments for clerical purposes, do not result satisfactorily. The head of the bureau should select his aids solely for their fitness for the work and its responsibilities, irrespective of the locality of the applicant or of his professed claims for government patronage, or of any political or partisan influence which may be brought to guide such selection."

My experience in this division since this report was rendered confirms the entire propriety of these recommendations. The system of hiring or appointing parties simply because they have rendered partisan service is fraught with danger, tends to demoralize and degrade the service, and is an effective bar to the efficient, economical, and honest despatch of public business. Until this system is entirely done away with, the business will be, as now, badly, if not dishonestly conducted, at an unnecessary cost to the treasury.

(See *ante*, p. 35.)

J. M. Binckley, Acting Attorney General :

No. 37. There is room for reform in method of business and standard of qualification, &c.

Benjamin Peirce, Superintendent Coast Survey :

No. 33. This is the practice now in the Coast Survey.

No. 34. Yes.

No. 35. Yes, undoubtedly.

No. 36. Yes; four. About the same as aids; they are quite intelligent.

No. 37. Appointments for merit alone.

A. A. Harwood, Superintendent Lighthouse Board :

No. 33. Beyond a doubt.

No. 34. Yes.

No. 35. Certainly.

No. 37. Appointments for merit, and retention during good behavior; promotion by seniority.

A. B. Mullett, supervising architect, Treasury Department, Washington :

No. 33. I think appointments should be made, as a rule, in the lowest grade, and promotions made according to merit. I consider a practical test such as could be obtained by an appointment on trial, better than any test examinations. Many of the most worthless clerks in the department pass the best examinations, and probably could one still more rigid, while some of the most valuable could not. The duties of most of the clerks employed in the department require, beyond a good education, proficiency only in the special branch to which their duties are confined.

Nos. 34 and 35. Undoubtedly. At present the best talent cannot be retained in the higher grades of the public service for two reasons, viz: First, it is underpaid, and, second, no amount of capacity, honesty and fidelity, can secure the position.

No. 36. No.

No. 37. If civil officers were appointed for good conduct, at salaries sufficient to maintain them in a suitable manner, and provision made for retiring them on say half pay when superannuated, the civil service could and would retain the services of competent and efficient men in all of its branches, instead of being, as at present, considered by a large majority of its appointees as a mere temporary employment in which there is no inducement to perform any other duty than is absolutely required.

D. Mills, assessor internal revenue, Dakota Territory :

No. 1. Under the present system of appointment, which is but a system of party affiliation or favoritism, it often happens that those are selected whose only qualifications are that they are good political managers; and such a recommendation does not speak well in a moral point of view.

No. 2. It may happen that a person is appointed to some position who, at the time of receiving the appointment, was not conversant with the routine of business, but by study and perseverance has become master of the situation. In such a case it would be but poor reward for his diligence and labor to be cast to the winds simply because the political complexion of the times had changed.

No. 3. Let the appointee at the time of receiving the appointment understand that he will be continued in position so long as he is a faithful and competent officer and consults the interest of his government, and in so doing his own. I believe that under such a condition of things the government would be vastly the gainer; that officers engaged in the service of the government would discharge their duty far better I have not a doubt. But as it now is there are a thousand temptations to neglect some portion of their duty. Some influential person is to be conciliated, or he will use his influence to get me out of office; but were it known by the officer that he would be removed only for neglect of duty, he would at all times do his duty. I have not a doubt millions might be saved to the government by adopting such a line of policy. Politics should not enter into the consideration, for I know of none who would not make any sacrifice to save our country from wrong. We may differ as to the best means to arrive at the same end. We cannot take a difference of opinion as an evidence of disloyalty.

W. J. Landram, collector of internal revenue, Sth district, Kentucky :

No. 37. I am of the opinion that assistant assessors ought to be paid only in proportion to the number of lists they take; and not \$5 per diem for the days employed, and three cents per list, as under the present law. This objection to the law as it now stands is peculiarly applicable to the rural districts, where nearly all the assistants pursue some vocation in addition to that of assistant assessors; and when, no doubt, they often charge the \$5 03 for every day they enter a list, even though the assessment against the tax-payer amounts to less than the compensation of the assistant assessor. There is no incentive to action other than his oath to do his duty, and a lazy assistant doubtless often waits for many a tax-payer to come to him who never comes, because he is satisfied the officer is too indolent to look him up. If the amount of his pay depended alone upon his vigilance, the revenue would be materially increased and the cost of the assessments doubtless diminished.

All will admit that it is more trouble to *collect* than to *assess* the tax. It is more laborious, more complicated, more perplexing, and more dangerous. And yet, if we examine the subject closely, it will be seen that the pay of the one who assesses is largely in advance of the one who collects. Take this district, for example.

The pay of the assessor, clerk, and assistant assessors for the nine months ending December 31, 1867, was as follows, after deducting tax :

April.....	\$1, 141 91
May.....	1, 184 18
June.....	797 70
July.....	578 61
August.....	805 62
September.....	1, 434 79
October.....	1, 599 79

November.....	\$1,067 11
December.....	1,271 05
	9,880 76
Salary of collectors during that period, including tax.....	1,125 00
Commissions on amount collected, \$63,293 67, at 3 per cent.....	1,898 96
	3,023 96

Thus it will be seen that while the cost of assessing during the nine months is near \$10,000. The cost of collecting is not *one-third* that sum.

Out of the \$3,023 96 cents aforesaid, the collector has to pay his deputies and the expenses of his office. It is true that all the taxes assessed during the period aforesaid have not yet been collected; but that will not *materially* affect the great disproportion between the relative cost of assessing and collecting. Whether this disparity exists in other districts I do not know, but think the probabilities are that in the rural districts particularly something of the kind will be found.

This is a mountainous district, composed of 18 counties, containing at least 150 miles square, embracing about one-fourth of the territory of the State; no railroads yet in operation, no telegraph, and no turnpikes except in three counties; the mails are carried chiefly on horse-back, except in some four counties. The population is sparse, and although the people are loyal to the government, it is difficult to obtain officers of the first order of qualifications, on account of the collections being small and the commissions correspondingly insignificant.

Hageman Tripp, assessor internal revenue, 3d district, Indiana:

No. 37. Select men for merit alone; have them realize that their retention in office depends upon the discharge of their whole duty, and that they must earn promotion by diligence and labor. Throw *party* to the dogs and you would make the civil service quite respectable, as well as more efficient and economical.

A. B. Eaton, Commissary General of Subsistence:

No. 23. The rule of promoting the most meritorious and those of highest qualifications is sufficiently prominent, as a governing rule of action in this bureau, to insure promotion and a successful career to those clerks of the lowest grade who render themselves especially meritorious. This rule of promotion would have a much more successful effect if the number of clerks of the different classes were different in numbers, and consequently in salaries, from what they are now in this bureau. Now the clerks of this bureau (40 in number) are as follows: Of class one, (salary \$1,200 per annum,) 24 clerks; of class two, (salary \$1,400 per annum,) 12 clerks; of class three, (salary \$1,600 per annum,) one clerk; of class four, (salary \$1,800 per annum,) one clerk.

I take this opportunity very strongly to recommend that a law may be enacted classifying and paying them as follows, viz: Class five, (salary \$2,200,) one clerk; class four, (salary \$1,800,) six clerks; class three, (salary \$1,600,) 12 clerks; class two, (salary \$1,400,) 15 clerks; class one, (salary \$1,200,) six clerks; messenger, (salary \$1,200,) one messenger; assistant messenger, (salary \$900,) two assistant messengers; laborers, (salary \$720,) two laborers.

The present salaries paid the clerks of this bureau are too low to make their positions sufficiently desirable to hold them in the government service any longer than the time necessary to find other and better paying positions. Such salaries as are above proposed would insure to the government the services of those superior men who now, when better paying positions are offered them, vacate this office to be succeeded by others of less experience.

No. 29. Not in this bureau.

No. 30. I have not.

No. 31. I have not found that diligence and efficiency bear any special relation to age, except that very youthful or very aged persons are apt, from the almost certain accompaniments of those periods of life, to fail in accomplishing as much work as those of the intermediate period of life. In this bureau there is nothing to complain of either as to youth or age.

No. 32. Some of those who have been in the military service, and who on that account are encouraged to claim, and who do claim at the hands of the government and its responsible agents, special consideration, indulgence, and leniency, and who seem to have an idea that public sentiment will secure them their places even if they do not perform their duties very faithfully.

No. 33. The course stated in this question is that now substantially observed in this bureau and which works out good results. Such a general rule will, I think, usually be found to subserve the public interests. I suggest that all candidates should be examined to show that they possess the requisite qualifications. This bureau has often been saved from poor or worthless clerks by the Secretary of War having always required that, previous to

appointment, they should be certified by a board to be qualified. None are promoted in this bureau who have not, in a lower grade, proved themselves competent for a higher. This proof, by an examination or from the personal knowledge of the senior officer in charge of the bureau or department, should be had.

No. 34. The more accomplished the clerks the more work will be done by them. Where the system of examination does not prevail, it would, I have no doubt, be an improvement to introduce it. It would lessen the number of clerks necessary to do a given amount of work, since its result would be an improvement of the *personnel* of the bureau or department in which they served. All such examinations should, however, be made by or under the supervision or orders of the head of the department in which the service is to be rendered, and not by a general board of examination for all government employes, as none but such head and his responsible assistants can know so well as they do the qualifications requisite for the special places to be filled.

No. 35. Undoubtedly, provided the salaries paid for "the government service" be placed upon a fair and just footing, so that such "better quality of persons" possessing "a higher grade of talent" would seek for, and, obtaining, would wish permanently to retain such government service. In this connection I respectfully, so far as this bureau is concerned, refer to my answer to question 28.

No. 36. There are no females employed in this bureau.

No. 37. Not being in the "civil service," it may be that I am not the proper person to remark upon a matter that has no permissible place under the law or by custom in the military service. But, as I am directed authoritatively to state any matters which in my judgment would tend to make the civil service more efficient and economical, I give my opinion that nothing that I can state would conduce more to *efficiency and economy* in all departments of the service than to allow each person in the public service an exact, fixed, undeviating amount of pay for his services, to be established by law and beyond the possibility of misapprehension, and to make it a misdemeanor, with suitable punishment, for any person in any department of the public service, under any pretext whatever, to receive a single cent for his services except the precise amount allowed by law. It should be made a crime against the United States for any person holding any office whatever to receive a cent more than his law-allowed compensation. All fees, charges, percentages, commissions, perquisites, profits, gains, rentals, premiums, bonuses, discounts, abatements, reductions, drawbacks, rebates, set-offs, rents, preference-bribes, and the thousand other tricky words by which many office-holders cheat the government or the citizen who has dealings with it, or both, should be, by some means, swept away. Every citizen who is ever compelled or allowed to pay one cent that does not go directly to the United States treasury and is not known to be a legal charge, should be invited and required to make official report thereof. I but touch this broad field; it is a fruitful one for investigation with a view to "efficiency and economy."

David F. Hollister, collector internal revenue, Bridgeport, Connecticut :

No. 33. I think the idea of a test examination a good one, provided the board of examiners would adopt such rules in the examination as would govern good business men in their own affairs. Many of our best practical business men would perhaps make but a poor show in an examination where a really much inferior man would appear very favorably. The one has a general knowledge of men and things, and would conduct the affairs of his office efficiently and with very little friction, while the latter, though appearing before the committee to much better advantage, in the practical discharge of his duties would make but an indifferent officer. It would seem to me that the examiners should be fully satisfied by competent *testimony* as to the business habits and the moral character of the applicant, and especially as to his habits for *sobriety*, and also his ability to discharge the duties of his office with efficiency, and at the same time not *offensively*—a most important consideration in the execution of any law. Law should be enforced, but not rendered odious, by those charged with its execution. A man may be possessed of a large amount of knowledge, of a superior education, and may answer satisfactorily all the questions of a committee, and yet be most obnoxious for reasons above suggested. It seems to me that a mere personal examination would, in many cases, fail to elicit all the required facts.

No. 34. In an office where there are grades, I should say, yes.

No. 35. Yes: without doubt. It is my firm conviction that the civil service of the United States, in all its branches, would be far more efficient, uniform, and economical, were the officers originally appointed with express reference to their qualifications for their respective positions, and not to be removed except for cause. I believe the custom which prevails so largely of removing officers simply on partisan grounds is a most baneful one, and tends to corrupt and demoralize the whole civil service. The country is great and has large resources, and may stand such a custom, but no private enterprise could. No sane man would conduct his own affairs, or those of a corporation in which he was interested, on any such principle. I further hold that the officer, be he who he may, and in whatever capacity he serves, is but the servant of the whole people, and that, in the discharge of his official duties, he should ignore politics, and to this end he should be independent of such considerations.

As an individual and citizen, he should perform his duty in that capacity ; but as an officer, in the discharge of his official duty, no man or party should own him.

No. 36. There are none.

No. 37. I have no further suggestions to make. Shall be glad if I have not been too prolix already.

Samuel F. Cooper, internal revenue collector, 3d district, Arkansas :

No. 37. I would respectfully suggest that the present method of assessing and collecting revenue, with its scale of fees for subordinate officers, is both expensive and unjustly discriminating in its operations. My deputy collectors, as a class, are superior to the assistant assessors in talent and responsibility. Their labors often greater, yet their compensation bears no comparison to that of an assistant assessor. This district comprises 19 counties. It is cut up into 10 little divisions, with an assistant assessor in each ; not one of them allows his revenue duties to interfere in the least with his regular business or profession, and all their charges are fearfully *constructive*. They charge not only for the days actually employed, but for the days upon which they are *ready and willing to be employed*.

I have carefully studied this matter, and am satisfied that the plan of dividing a district into petty divisions, with an assistant assessor to each, is a pernicious one, and opens a wide door to perjury and fraud. Four men, real live working men, could do the work of this district better than it is now done by ten, and at much less expense. The deputy collectors, as well as assistant assessors, should be appointed by, and responsible to, the Secretary of the Treasury ; and above all, both should receive the same compensation, and no assessor or collector should henceforth be appointed till he shows a creditable record as a subordinate. And present incumbents, high or low, should by all means be required to give evidence before a proper board of examiners of their fitness, intellectually and *morally*.

Jonathan Biggs, assessor 11th district, Salem, Illinois :

In answer to the 37th and last question, I am constrained to believe that the interest of the civil government would be subserved if those, and only those, who are duly qualified and diligent in their duty be retained in the service of the government. From my short experience in this department, I have become fully satisfied that in many instances where charges have been urged on political grounds, the government is always the loser. And so long as this practice is pursued there will remain uncollected large amounts of revenue which is justly due.

John B. Wright, assessor 2d district, Connecticut :

No. 33. The efficiency of the civil service generally would undoubtedly be increased by the adoption of the course suggested by query No. 33, *provided* the examiners be thoroughly competent, and unbiassed by partisan, personal or other improper influence or consideration ; but, in my judgment, neither our past history nor present aspects afford very strong grounds of confidence in the infallibility or incorruptibility of any board of examiners which may be appointed for the contemplated object.

No. 34. An equal amount of work could be accomplished under such a system by a less number of persons than are now employed, this answer being subject to the proviso contained in the preceding paragraph.

No. 35. If the employment was assured and certain, and promotions were granted only to seniority or merit, and no discharge permitted except for cause, a higher grade of talent and a better quality of persons could be induced to enter the government service.

No. 36. There are no females among my subordinates.

No. 37. I think of no matters, not already known to the committee, which would tend to make the civil service more efficient or economical. In this district both the collector and assessor (the principal officers) have been retained from their first appointment, when the internal revenue system was inaugurated, and, through their efforts, faithful subordinates have also been retained, while in one or two instances unfaithful and inefficient ones have been dismissed. In many districts, however, it has been otherwise. Faithful and efficient officers have been removed, and their places filled with men possessing neither ability nor integrity, and the consequent loss to the revenue has been immense. Threats of removal are often made by parties supposed to have great influence with the appointing power, for the purpose of influencing officers in their official action, and while I can say in all truth that no such threats have ever influenced my official action in the slightest degree, it is important for the interest of the government that officers be protected reasonably against such influences.

If your committee can devise means for the effectual protection of the civil service against the unscrupulous exactions of partisan politics, and against the malignant, revengeful spirit of wealthy and influential defrauders of the revenue, whose schemes of fraud have been or may be thwarted by official energy and vigilance, you will have rendered a service to government and to the country for which you will be entitled to their warmest thanks.

Francis A. Osborn, naval officer, Boston :

No. 34. From the nature of the work in this office, I think it questionable whether the force could be materially reduced, even under the system proposed in the preceding question.

No. 35. I think it very questionable. I have no doubt, from what I have seen at this port, that there are a plenty of applicants, of as high a grade of talent as the government service requires. Whether or not the most valuable applicants receive appointments belongs to another branch of the inquiry.

No. 36. I have no females among my subordinates.

No. 37. Without pretending to any original suggestions, I will say, briefly, that I believe it would greatly increase the efficiency, and therefore the economy, of the service to remove appointments entirely from the sphere of political influence, and to make original appointments and subsequent promotions dependent solely on ability and character. The investigation to discover the relative merits of the different candidates should be conducted by large-minded men, who would not consider simply the actual information of the candidate, or rely on a fixed routine of examination to achieve their purpose, but who would also look to the general ability, and capacity to learn, of the applicant, and would, with fitly-devised questions and conversation, adapted to each case, analyze him thoroughly to learn what amount of energy, of ambition, of conscientiousness, and of industry, might enter into his composition, to give a solid value to his mental acquirements, and who should make their classification dependent on the resultant of these qualities and acquirements.

Fixed tenure of office is also highly important. The appointee should receive a commission for an established time, which should be irrevocable during that time, saving for proved incompetency or inefficiency. Promotion should be made by seniority, excepting that a certain proportion of promotions for distinguished merit should be allowed. These latter promotions should be carefully removed from the influence of favoritism, and determined by a similar investigation to the one proposed above, with the additional element of the candidate's record while in office.

In establishing such a system care should be taken not to destroy the authority of the chief of a department over his subordinates by lessening their responsibility to him, as discipline must be the basis of any system of value. The chief should be empowered to suspend his subordinates for cause, or even dismiss them, his action in either case to be revised by the same tribunal that regulates appointments. Power might also be given him to inflict minor punishments for trifling offences, at his discretion.

Letter of W. A. Wellman, Boston, Massachusetts :

In compliance with the circular of the Joint Select Committee on Retrenchment, I beg leave to submit the following remarks and suggestions, which would in my judgment tend to make the civil service more efficient and economical. I am unable to answer such interrogatories separately, as some years have elapsed since I resigned my position in the custom-house at this port. The result of my experience and observations for more than a quarter of a century as clerk and deputy collector, I place at the disposal of the committee.

The date of my first commission was under the administration of President J. Q. Adams, when appointments were made without regard to political or party influences, and the number of officers was limited to the absolute needs of the service, and the most rigid expenditure of the public moneys. On the accession of President Jackson, I was in the midst of rotation in office, and witnessed the injuries often resulting from the appointment of inefficient and inexperienced persons, especially in subordinate positions, and much as the government suffered in consequence of their want of knowledge of the revenue laws and their application to the duties of their places and to the commerce of the country, I am sure the mercantile community were the greater losers by their frequent mistakes and delays in the despatch of business. On one occasion where a new collector, at a distant port, had removed all the old incumbents, and before the new appointees had learned their duties, I was deputed to act as temporary deputy, to prepare the required documents for vessels waiting clearance for foreign countries, and to expedite the general business of that office; and during the years 1829 and 1830, that operation was repeated at other places. Hence will be seen what delays and serious inconveniences arise under such a system of appointments. Fortunately for the mercantile public, the office clerks at this port, with few exceptions, remained undisturbed during the eight years of Collector Henshaw's administration, and the department at Washington had no occasion to question the faithful discharge of their duties.

As the deputy of the venerable Governor Lincoln, collector in 1841, I was authorized to assure his clerks that they would retain their places so long as they attended faithfully to their duties, and did not meddle in politics; and during his administration a better or more efficient set of officers never served the government and the public. But the political pressure was too great to carry this excellent rule into the other departments, and with all the vigilance and sound discretion exercised, mistakes occurred and the people were the sufferers.

With each succeeding administration rotation in office has been continued without regard, too often, to the qualifications or fitness of the appointees; the number of offices are greatly multiplied; the rules and regulations are more onerous and complicated, until at length merchants can no longer afford the time necessary to attend to their custom-house affairs,

but are compelled to employ brokers for that purpose. That the cost of collecting the revenue has been augmented beyond all ratio of the amount collected, is too palpable for confirmation.

In my judgment it is in vain to attempt to reform these abuses short of an entire change in the laws regulating the civil service; and I am convinced that the people now demand such legislation as is proposed by your committee. With the enactment of a law providing for appointments from persons best qualified upon competitive examination; fixing the tenure of office during good behavior; grading the various branches of the service, and allowing promotions according to merit; and establishing a board of commissioners for framing uniform rules and regulations, the offices would be sought by worthy and competent persons, whom the people would respect, and with whom honest men would gladly co-operate in the detection of frauds and in the prompt execution of the laws of Congress. Under such a system the number employed might be much reduced, and the expenses of the service curtailed at least one-third of the present cost, and the public better served, and with more zeal and fidelity. The details for carrying into effect these reforms will be digested when the board of commissioners shall be established, and I shall be glad to offer some further suggestions at the proper time.

Henry L. Bryant, assessor, ninth district, Illinois:

No. 34. In this particular branch of service, I believe an equal amount of work could be accomplished better under such a system, but not by a less number, because county lines are the boundaries of the different divisions in the district, and residents of the counties are better acquainted with the persons and business of a county than a stranger would be, although residing in a contiguous county.

No. 35. I think they could.

No. 36. There are not.

No. 37. I would respectfully suggest, in answer to interrogatory No. 37, that the very short period of time I have been in the service of the government of the United States, and from my limited experience, my opinions or suggestions would not perhaps be entitled to very much weight. Notwithstanding, I will give my idea of such matters as have come under my cognizance and seem to me to need reform.

In relation to the office of revenue inspector: this officer is employed by the government at an expense of five dollars per day, and his duty is that of ferreting out frauds upon the revenue. He is not always appointed from the district or districts in which he is to act, and consequently is a stranger to the localities through which he travels, and is not presumed to know of the secret places where illicit manufactures may be carried on, and where frauds may be perpetrated.

In my short experience I do not know of any beneficial result to the revenue arising from his efforts. By the law as it exists, it is the duty of the assessor of his district to report any frauds upon the revenue that may come to his knowledge to the collector, whose duty it is to make seizures, arrests, &c. Under the present system, by the time the assessor has notified the collector of a fraud that he has ferreted out, the guilty parties may, and frequently do, get wind of the matter, and make their escape.

David T. Little, collector, eighth district, Illinois:

No. 34. An equal amount of work under such a system could be accomplished by a much less number of persons than are now employed.

No. 35. If the employment was assured and certain, and promotion granted only to seniority or merit, and no discharge permitted except for cause, I am of the opinion a much higher grade of talent could be induced to enter the government service.

No. 36. There are no females among my subordinates.

No. 37. The action of Congress in the abolition of the bonded system, through which the major part of the enormous frauds upon the revenue have been committed, meets with my hearty approval. Under the operation of the new law, the chief source of fraud upon the revenue, in my judgment, has been closed up. The most satisfactory evidence of this fact is that there are but a very few distilleries in active operation in the northwest. The statistics in the Treasury Department show that, while the tax upon distilled spirits ranged from 20 to 50 cents per proof gallon, more revenue was paid into the treasury of the United States in any given time than has been collected and paid since the tax was increased to \$2 per proof gallon in the same stated time. The only hypothesis upon which this state of facts can be explained is, that the inducements to fraud and collusion between officers and manufacturers are so great under the present system of taxation that a general demoralization of subordinate officers and distillers has been the result. I therefore respectfully recommend to your honorable committee the careful consideration of the question of the reduction of the tax upon distilled spirits as a means of increasing the revenue of the government. On account of the inadequate compensation paid to revenue inspectors, general inspectors of spirits, and United States storekeepers, I would respectfully recommend that the law be so changed as to reduce

the number of these officers and an increase of the per diem of those who may be retained or hereafter appointed to these places. By this change in the law a higher class of business talent, and a higher standard of morals, could be induced to enter the civil service. I think in my district one efficient officer could discharge all the duties embraced in the office of storekeeper where the distilleries are located in close proximity to each other, as in cities and towns that now have three, four, six, and even more. I think that the law as it now is with reference to the compensation of collectors is imperfect in many parts. This class of officers receive more for their services than they should in many cases, while in many other cases the pay is inadequate to insure the services of good competent men. I think that collectors and deputy collectors should be paid a sufficient salary to insure the services of good men, and that the commissions now provided by law on the collections of a district should be discontinued. I deem it proper to state in this connection that, if the law was so changed, the collector of the eighth district of Illinois would receive a less compensation for his services than he now does. The law authorizing the appointment of an almost unlimited number of itinerant revenue agents, most of whom are appointed through political influences and without regard to their qualifications, should be entirely abolished; this change alone in the law would save the government an immense amount of money. The same duties now performed by them are also enjoined upon the revenue inspectors of districts, and by whom the duties could be as well and efficiently performed, particularly if the pay of revenue inspectors was increased.

The following officers of the customs answered the principal questions relating to the proposed reform affirmatively :

O. Utley, collector, Middletown, Connecticut.
 John Brooks, collector, Bridgeport, Connecticut.
 R. R. Bolling, surveyor of customs, Louisville, Kentucky.
 William P. Kellogg, collector of customs, New Orleans, Louisiana.
 Washington Long, collector, Passamaquoddy, Maine.
 Stephen Longfellow, collector, Machias, Maine.
 E. S. J. Malley, collector, Bath, Maine.
 Thomas Russell, collector, Boston, Massachusetts.
 John M. Fiske, deputy collector, Boston, Massachusetts.
 A. B. Underwood, surveyor, Boston, Massachusetts.
 Francis A. Osborn, naval officer, Boston, Massachusetts.
 John Vinson, collector, Edgartown, Massachusetts.
 William Silvey, collector, Newark, New Jersey.
 James Brady, collector, Fall River, Massachusetts.
 William A. Pew, collector, Gloucester, Massachusetts.
 William Standly, collector, Marblehead, Massachusetts.
 John H. Folger, collector, Nantucket, Massachusetts.
 Lawrence Grinnell, collector, New Bedford, Massachusetts.
 Enoch G. Currier, collector, Newburyport, Massachusetts.
 N. G. Isbell, collector, Detroit, Michigan.
 T. Harmon, collector, Belfast, Maine.
 S. K. Devereux, collector, Castine, Maine.
 E. H. Webster, collector, Baltimore, Maryland.
 H. A. Smythe, collector, New York, New York.
 C. P. Clinch, assistant collector, New York, New York.
 J. H. Stedwell, deputy collector, New York, New York.
 Abram Wakeman, surveyor, New York, New York.
 James S. Benedict, special deputy surveyor, New York, New York.
 C. S. Franklin, acting naval officer, New York, New York.
 John C. Grannis, collector, Cleveland, Ohio.
 John Young, collector, Sandusky, Ohio.
 J. W. Cake, collector, Philadelphia, Pennsylvania.
 D. N. C. Baxter, naval officer, Philadelphia, Pennsylvania.
 William Harbeson, surveyor, Philadelphia, Pennsylvania.
 Thomas Wilkins, collector, Erie, Pennsylvania.
 W. R. Taylor, collector, Bristol, Rhode Island.

George W. Neff, surveyor, Cincinnati, Ohio.

T. P. Chandler, assistant treasurer, Boston, Massachusetts.

M. Loudon Snowden, chief coiner, mint, Philadelphia, Pennsylvania.

Seth W. Macy, collector, Newport, Rhode Island.

The following officers, in other branches of the service, answered the main questions affirmatively :

W. D. Mann, assessor of internal revenue, Mobile, Alabama.

John M. Oliver, assessor of internal revenue, Little Rock, Arkansas.

John Edwards, assessor of internal revenue, Fort Smith, Arkansas.

Alphonso C. Crosby, assessor of internal revenue, Rockville, Connecticut.

John B. Wright, assessor of internal revenue, Clinton, Connecticut.

Samuel Wilson, assessor of internal revenue, Fernandina, Florida.

John Bowles, assessor of internal revenue, Augusta, Florida.

W. H. Watson, assessor of internal revenue, Atlanta, Georgia.

Duncan Ferguson, assessor of internal revenue, Rockford, Illinois.

Quincy D. Whitman, assessor of internal revenue, Ottawa, Ohio.

Henry L. Bryant, assessor of internal revenue, Lewistown, Illinois.

Jonathan Biggs, assessor of internal revenue, Salem, Illinois.

William C. Kueffner, assessor of internal revenue, Belleville Illinois.

Samuel H. Halmon, assessor of internal revenue, Tamaroa, Illinois.

Joseph G. Bowman, assessor of internal revenue, Vincennes, Indiana.

J. G. Harrison, assessor of internal revenue, New Albany, Indiana.

Hageman Tripp, assessor of internal revenue, North Vernon, Indiana.

Richard H. Swift, assessor of internal revenue, Brookville, Indiana.

H. W. Shuman, assessor of internal revenue, Milton, Indiana.

David Braden, assessor of internal revenue, Indianapolis, Indiana.

David Turner, assessor of internal revenue, Crown Point, Indiana.

George D. Copeland, assessor of internal revenue, Goshen, Indiana.

George Meason, assessor of internal revenue, Muscatine, Iowa.

Lucius L. Huntley, assessor of internal revenue, Dubuque, Iowa.

John Connell, assessor of internal revenue, Toledo, Iowa.

William T. Ousley, assessor of internal revenue, Paducah, Kentucky.

John S. McFarland, assessor of internal revenue, Owensboro', Kentucky.

William M. Spencer, assessor of internal revenue, Lebanon, Kentucky.

J. Crockett Sayers, assessor of internal revenue, Covington, Kentucky.

James H. Veazie, assessor of internal revenue, Baton Rouge, Louisiana.

Nathaniel J. Marshall, assessor of internal revenue, Portland, Maine.

George P. Sewall, assessor of internal revenue, Oldtown, Maine.

Thomas K. Carroll, assessor of internal revenue, Church Creek, Maryland.

William E. W. Ross, assessor of internal revenue, Baltimore, Maryland.

John Van Lear, assessor of internal revenue, Hagerstown, Maryland.

William Willing, assessor of internal revenue, Ellicott's City, Maryland.

Charles G. Davis, assessor of internal revenue, Plymouth, Massachusetts.

Otis Clapp, assessor of internal revenue, Boston, Massachusetts.

Phineas J. Stone, assessor of internal revenue, Charlestown, Massachusetts.

Alexander H. Morrison, assessor of internal revenue, St. Joseph, Michigan.

G. Thompson Gridley, assessor of internal revenue, Jackson, Michigan.

Westbrook Divine, assessor of internal revenue, Ionia, Michigan.

Levi Bacon, jr., assessor of internal revenue, Pontiac, Michigan.

Henry Raymond, assessor of internal revenue, Bay City Michigan.

William McMicken, assessor of internal revenue, Mantonville, Minnesota.

John H. Fox, assessor of internal revenue, DeSoto, Missouri.

Joseph A. Hoy, assessor of internal revenue, LaGrange, Missouri.

Mack J. Leaming, assessor of internal revenue, Pleasant Hill, Missouri.

Frederick Renner, assessor of internal revenue, Nebraska City, Nebraska.
George M. Henning, assessor of internal revenue, Farmington, New Hampshire.
Isaac W. Smith, assessor of internal revenue, Manchester, New Hampshire.
Bolivar Lovell, assessor of internal revenue, Alstead, New Hampshire.
Benjamin Acton, assessor of internal revenue, Salem, New Jersey.
Robert Rusling, assessor of internal revenue, Hackettstown New Jersey.
Benjamin F. Robinson, assessor of internal revenue, Ridgewood, New Jersey.
Robert B. Hathorn, assessor of internal revenue, Newark, New Jersey.
William R. Cummings, acting assessor of internal revenue, Long Island City,
New York.

John Williams, assessor of internal revenue, Brooklyn, New York.
Pierre C. VanWyck, assessor of internal revenue, New York city, New York.
David Miller, assessor of internal revenue, New York city, New York.
John F. Cleveland, assessor of internal revenue, New York city, New York.
Abraham Hyatt, assessor of internal revenue, Sing Sing, New York.
James C. Curtis, assessor of internal revenue, Coshocton, New York.
Benjamin Platt Carpenter, assessor of internal revenue, Poughkeepsie, New
York.

Frederick Cooke, assessor of internal revenue, Catskill, New York.
John G. Treadwell, assessor of internal revenue, Albany, New York.
Philip N. Neher, assessor of internal revenue, Troy, New York.
Uriah D. Meeker, assessor of internal revenue, Malone, New York.
Alexander H. Palmer, assessor of internal revenue, Schenectady, New York.
Nelson J. Beach, assessor of internal revenue, Watson, New York.
Charles M. Dennison, assessor of internal revenue, Rome, New York.
William H. Wheeler, assessor of internal revenue, Oswego, New York.
William Candee, assessor of internal revenue, Syracuse, New York.
Joseph W. Gates, assessor of internal revenue, Lyons, New York.
Lewis Pesk, assessor of internal revenue, Phelps, New York.
Curtis C. Gardiner, assessor of internal revenue, Elmira, New York.
James P. Murphy, assessor of internal revenue, Lockport, New York.
James C. Strong, assessor of internal revenue, Buffalo, New York.
Lewis Hall, assessor of internal revenue, Jamestown, New York.
Robinson Piemont, assessor of internal revenue, Elizabeth City, New York.
Jennings Piggott, assessor of internal revenue, Wilson, North Carolina.
William H. Worth, assessor of internal revenue, Fayetteville, North Carolina.
Solomon Pool, assessor of internal revenue, Chapel Hill, North Carolina.
Jesse Wheeler, assessor of internal revenue, Greensboro, North Carolina.
H. H. Helper, assessor of internal revenue, Salisbury, North Carolina.
Joseph Hamilton, assessor of internal revenue, Hendersonville, North Caro-
lina.

Obadiah C. Maxwell, assessor of internal revenue, Dayton, Ohio.
John T. Hogue, assessor of internal revenue, Xenia, Ohio.
Milton W. Worden, assessor of internal revenue, Mansfield, Ohio.
James Lewis, assessor of internal revenue, Bucyrus, Ohio.
Melancthon W. Hubbell, assessor of internal revenue, Toledo, Ohio.
Elias Nigh, assessor of internal revenue, Ironton, Ohio.
George B. Arnold, assessor of internal revenue, Mount Vernon, Ohio.
John Sargent, assessor of internal revenue, New Philadelphia, Ohio.
Anson G. McCook, assessor of internal revenue, Steubenville, Ohio.
Charles A. Harrington, assessor of internal revenue, Warren, Ohio.
John W. Frazier, assessor of internal revenue, Philadelphia, Pennsylvania.
Clifford S. Phillips, assessor of internal revenue, Philadelphia, Pennsylvania.
William B. Elliot, assessor of internal revenue, Philadelphia, Pennsylvania.
Thomas H. Forsyth, assessor of internal revenue, Philadelphia, Pennsylvania.

Francis Z. Heebner, assessor of internal revenue, Allentown, Pennsylvania.
 J. Lee Englebert, assessor of internal revenue, West Chester, Pennsylvania.
 John B. Warfel, assessor of internal revenue, Lancaster, Pennsylvania.
 William Mutchler, assessor of internal revenue, Easton, Pennsylvania.
 William M. Post, assessor of internal revenue, Susquehanna Depot, Pennsylvania.

William McSherry, assessor of internal revenue, Littlestown, Pennsylvania.
 Robert H. Foster, assessor of internal revenue, Bellefonte, Pennsylvania.
 John B. Hays, assessor of internal revenue, Meadville, Pennsylvania.
 A. G. Booth, assessor of internal revenue, Brownsville, Pennsylvania.
 Daniel E. Nevin, assessor of internal revenue, Allegheny City, Pennsylvania.
 James B. Ruple, assessor of internal revenue, Washington, Pennsylvania.
 Christopher W. Dudley, assessor of internal revenue, Bennettsville, South Carolina.

John P. Holtsinger, assessor of internal revenue, Greenville, Tennessee.
 William T. Tune, assessor of internal revenue, Shelbyville, Tennessee.
 Joseph H. Travis, assessor of internal revenue, Paris, Tennessee.
 Halsey T. Cooper, assessor of internal revenue, Memphis, Tennessee.
 William C. Kittredge, assessor of internal revenue, Fairhaven, Vermont.
 Thomas E. Powers, assessor of internal revenue, Woodstock, Vermont.
 Henry C. Adams, assessor of internal revenue, St. Albans, Vermont.
 John H. Hudson, assessor of internal revenue, Richmond, Virginia.
 John M. Donn, assessor of internal revenue, Norfolk city, Virginia.
 Jacquelin M. Wood, assessor of internal revenue, Lynchburg, Virginia.
 John H. Freeman, assessor of internal revenue, Lexington, Virginia.
 William M. Fitzhugh, assessor of internal revenue, Fairfax Court-house, Virginia.

George S. Smith, assessor of internal revenue, Marion, Virginia.
 Albert G. Leonard, assessor of internal revenue, Parkersburg, West Virginia.
 George B. Bingham, assessor of internal revenue, Milwaukee, Wisconsin.
 Henry Harnden, assessor of internal revenue, Madison, Wisconsin.
 Smith S. Wilkinson, assessor of internal revenue, Prairie du Lac, Wisconsin.
 Jacob S. Bugh, assessor of internal revenue, Wautoma, Wisconsin.
 Lute A. Taylor, assessor of internal revenue, Prescott, Wisconsin.
 Henry A. Bigelow, assessor of internal revenue, Prescott, Arizona Territory.
 David M. Mills, assessor of internal revenue, Elk Point, Dakota Territory.
 Austin Savage, assessor of internal revenue, Boise City, Idaho Territory.
 Charles B. Andrews, assessor of internal revenue, Mobile, Alabama.
 William J. Patton, assessor of internal revenue, Little Rock, Arkansas.
 Henry A. Grant, assessor of internal revenue, Hartford, Connecticut.
 John Woodruff, assessor of internal revenue, New Haven, Connecticut.
 David F. Hollister, assessor of internal revenue, Bridgeport, Connecticut.
 W. A. Wilhaner, assessor of internal revenue, Fernandina, Florida.
 Alex. N. Wilson, assessor of internal revenue, Savannah, Georgia.
 Will. D. Bard, assessor of internal revenue, Augusta, Georgia.
 James Atkins, assessor of internal revenue, Atlanta, Georgia.
 Jackson Grinshaw, assessor of internal revenue, Quincy, Illinois.
 Charles M. Hammond, assessor of internal revenue, Joliet, Illinois.
 W. T. Cunningham, assessor of internal revenue, Danville, Illinois.
 David T. Little, assessor of internal revenue, Lincoln, Illinois.
 Leonard F. Ross, assessor of internal revenue, Avon, Illinois.
 Nathan M. Knapp, assessor of internal revenue, Winchester, Illinois.
 Willard C. Flagg, assessor of internal revenue, Alton, Illinois.
 Benjamin F. Scribner, assessor of internal revenue, New Albany, Indiana.
 Smith Jones, assessor of internal revenue, Columbus, Indiana.
 Gillett V. Stevenson, assessor of internal revenue, Aurora, Indiana.

William Grose, assessor of internal revenue, New Castle, Indiana.
Austin H. Brown, assessor of internal revenue, Indianapolis, Indiana.
Norman Eddy, assessor of internal revenue, South Bend, Indiana.
William W. Belknap, assessor of internal revenue, Keokuk, Iowa.
David B. Henderson, assessor of internal revenue, Dubuque, Iowa.
Alonzo J. Pope, assessor of internal revenue, Sigourney, Iowa.
Thomas Moonlight, assessor of internal revenue, Leavenworth, Kansas.
John R. Beckley, assessor of internal revenue, Shelbyville, Kentucky.
Philip Speed, assessor of internal revenue, Louisville, Kentucky.
James W. Hudnall, assessor of internal revenue, Covington, Kentucky.
Robert M. Kelly, assessor of internal revenue, Lexington, Kentucky.
William J. Landram, assessor of internal revenue, Lancaster, Kentucky.
Fielder C. Barnes, assessor of internal revenue, Mt. Sterling, Kentucky.
Nathaniel J. Miller, assessor of internal revenue, Portland, Maine.
Peter F. Sanborn, assessor of internal revenue, Augusta, Maine.
Jeremiah Fenno, assessor of internal revenue, Bangor, Maine.
David Howe, assessor of internal revenue, Lincolnville, Maine.
William H. Smith, assessor of internal revenue, Easton, Maryland.
James L. Ridgely, assessor of internal revenue, Baltimore, Maryland.
George W. Harrison, assessor of internal revenue, Cumberland, Maryland.
James Buffington, assessor of internal revenue, Fall River, Massachusetts.
William H. McCartney, assessor of internal revenue, Boston, Massachusetts.
John Sargent, assessor of internal revenue, Boston, Massachusetts.
Nathaniel S. Howe, assessor of internal revenue, Haverhill, Massachusetts.
John Nesmith, assessor of internal revenue, Lowell, Massachusetts.
Augustus B. R. Sprague, assessor of internal revenue, Worcester, Massachusetts.
Daniel W. Alvord, assessor of internal revenue, Greenfield, Massachusetts.
E. R. Tinker, assessor of internal revenue, North Adams, Massachusetts.
Frederick W. Curtenieus, assessor of internal revenue, Kalamazoo, Michigan.
Chauncey H. Millen, assessor of internal revenue, Ann Arbor, Michigan.
Sluman S. Bailey, assessor of internal revenue, Grand Rapids, Michigan.
Edwin G. Cook, assessor of internal revenue, Hazelhurst, Mississippi.
Bernard Zwart, assessor of internal revenue, Ironton, Missouri.
W. J. Chandler, assessor of internal revenue, Pleasant Hill, Missouri.
Joseph E. Lanaster, assessor of internal revenue, Nebraska City, Nebraska.
James M. Lovering, assessor of internal revenue, Exeter, New Hampshire.
John Kimball, assessor of internal revenue, Concord, New Hampshire.
Chester Pike, assessor of internal revenue, Cornish, New Hampshire.
Elston Marsh, assessor of internal revenue, Plainfield, New Jersey.
George F. Carman, assessor of internal revenue, Long Island City, New York.
Alfred M. Wood, assessor of internal revenue, Brooklyn, New York.
Maunsell B. Field, assessor of internal revenue, New York city, New York.
Marshall B. Blake, assessor of internal revenue, New York city, New York.
Thomas E. Smith, assessor of internal revenue, New York city, New York.
John M. Mason, assessor of internal revenue, Yonkers, New York.
Edward W. Budington, assessor of internal revenue, Kingston, New York.
Theodore Townsend, assessor of internal revenue, Albany, New York.
Asahel C. Geer, assessor of internal revenue, Troy, New York.
Erasmus D. Brooks, assessor of internal revenue, Potsdam, New York.
Allen C. Churchill, assessor of internal revenue, Gloversville, New York.
George W. Ernest, assessor of internal revenue, Cooperstown, New York.
Laurence L. Merry, assessor of internal revenue, Ilion, New York.
Ralph H. Avery, assessor of internal revenue, Canastota, New York.
Silas F. Smith, assessor of internal revenue, Syracuse, New York.
Adrian R. Root, assessor of internal revenue, Buffalo, New York.

- Charles W. Root, assessor of internal revenue, Fayetteville, North Carolina.
 John Crane, assessor of internal revenue, Greensboro, North Carolina.
 Samuel H. Wiley, assessor of internal revenue, Salisbury, North Carolina.
 Ferdinand Van Deweer, assessor of internal revenue, Hamilton, Ohio.
 William W. Wilson, assessor of internal revenue, Urbana, Ohio.
 B. Franklin Martin, assessor of internal revenue, Columbus, Ohio.
 Eugene Powell, assessor of internal revenue, Delaware, Ohio.
 George J. Anderson, assessor of internal revenue, Sandusky, Ohio.
 Harry Chase, assessor of internal revenue, Toledo, Ohio.
 John A. Hunter, assessor of internal revenue, Lancaster, Ohio.
 Albert A. Guthrie, assessor of internal revenue, Zanesville, Ohio.
 William P. Richardson, assessor of internal revenue, Marietta, Ohio.
 Kent Jarvis, assessor of internal revenue, Massillon, Ohio.
 Abraham B. Longaker, assessor of internal revenue, Norristown, Pennsylvania.
 William M. Swayne, assessor of internal revenue, West Chester, Pennsylvania.
 James A. Inness, assessor of internal revenue, Pottsville, Pennsylvania.
 Joseph P. Hetrick, assessor of internal revenue, Easton, Pennsylvania.
 Caleb E. Wright, assessor of internal revenue, Wilkesbarre, Pennsylvania.
 Charles H. Shriner, assessor of internal revenue, Mifflinburg, Pennsylvania.
 William Penn Lloyd, assessor of internal revenue, Mechanicsburg, Pennsylvania.
 John W. Douglass, assessor of internal revenue, Erie, Pennsylvania.
 Peter M. Gough, assessor of internal revenue, Franklin, Pennsylvania.
 Fred E. Voltz, assessor of internal revenue, Pittsburg, Pennsylvania.
 John M. Sullivan, assessor of internal revenue, Allegheny, Pennsylvania.
 W. D. Brayton, assessor of internal revenue, Warwick, Rhode Island.
 Fred. A. Sawyer, assessor of internal revenue, Charleston, South Carolina.
 Elijah Simerley, collector of internal revenue, Elizabethtown, Tennessee.
 James T. Abernathy, collector of internal revenue, Knoxville, Tennessee.
 Joseph Ramsey, collector of internal revenue, Shelbyville, Tennessee.
 Rolfe S. Saunders, collector of internal revenue, Memphis, Tennessee.
 George C. Tyler, assessor of internal revenue, Onancock, Virginia.
 Thomas L. Sanborn, assessor of internal revenue, Alexandria, Virginia.
 Geo. W. Brown, collector of internal revenue, Kingwood, West Virginia.
 John H. Oley, collector of internal revenue, Kanawha Court-house, West Virginia.
 G. Q. Erskine, collector of internal revenue, Milwaukee, Wisconsin.
 H. M. Lewis, collector of internal revenue, Madison, Wisconsin.
 J. H. Warren, collector of internal revenue, Albany, Wisconsin.
 J. C. Geer, collector of internal revenue, Boise City, Idaho.
 W. T. Otto, Assistant Secretary Department of Interior, Washington.
 Joseph H. Barrett, Commissioner of Pensions, Washington.
 John Potts, chief clerk War Department, Washington.
 A. B. Eaton, Commissary General of Subsistence of United States army, Washington.
 A. A. Humphreys, brigadier general engineers United States army, Washington.
 J. K. Barnes, Surgeon General of United States army, Washington.
 Jos. Smith, rear admiral United States navy, Washington.
 H. Bridge, Chief of Bureau of Provisions and Clothing in Navy Department, Washington.
 P. J. Horwitz, Chief of Bureau of Medicine and Surgery, Washington.
 John Lenthall, Chief of Bureau of Construction and Repair, Washington.
 B. F. Isherwood, Chief of Bureau of Steam Engineering, Washington.
 John B. L. Skinner, First Assistant Postmaster General United States, Washington, D. C.

George W. McLellan, Second Assistant Postmaster General United States, Washington, D. C.

A. N. Zevely, Third Assistant Postmaster General United States, Washington, D. C.

S. J. Bowen, postmaster, Washington, D. C.

T. P. Robb, postmaster, Savannah, Georgia.

Edward C. David, postmaster, Dubuque, Iowa.

Jno. J. Speed, postmaster, Louisville, Kentucky.

Geo. Fuller, postmaster, Bangor, Maine.

E. Schriver, postmaster, Baltimore, Maryland.

W. L. Burt, postmaster, Boston, Massachusetts.

Jno. R. Yarney, postmaster, Dover, New Hampshire.

F. S. McNeely, postmaster, Trenton, New Jersey.

Joseph Davis, postmaster, Albany, New York.

A. Allen, postmaster, Troy, New York.

A. Miller, postmaster, Raleigh, North Carolina.

H. H. Bingham, postmaster, Philadelphia, Pennsylvania.

J. J. Horn, postmaster, Easton, Pennsylvania.

J. H. McClelland, postmaster, Pittsburg, Pennsylvania.

Wm. Briner, postmaster, Reading, Pennsylvania.

Robert C. Gist, postmaster, Memphis, Tennessee.

C. J. Rawling, postmaster, Wheeling, West Virginia.

H. A. Starr, postmaster, Milwaukee, Wisconsin.

The following officers answer questions 33, 34, and 35, negatively :

Jesse S. Ely, assessor of internal revenue, Norwich, Connecticut.

Dudley Wickersham, assessor of internal revenue, Springfield, Illinois.

Robert M. Tindall, assessor of internal revenue, Okolona, Mississippi.

Benjamin C. Gunn, assessor of internal revenue, Utica, Michigan.

George W. Fish, assessor of internal revenue, Flint, Michigan.

William P. Tatem, assessor of internal revenue, Camden, New Jersey.

William A. Halsey, assessor of internal revenue, Port Byron, New York.

John Reed, assessor of internal revenue, Warrenton, North Carolina.

John H. Diehl, assessor of internal revenue, Philadelphia, Pennsylvania.

C. H. Hopkins, postmaster, Utica, New York.

C. W. Thomas, postmaster, Cincinnati, Ohio.

B. Embry, postmaster, Nashville, Tennessee.

The following revenue officers omit to answer the questions relating to the proposed reform :

N. K. Sargent, collector, Kennebunk, Maine.

A. G. Edwards, assistant treasurer, St. Louis, Missouri.

C. McKibbin, assistant treasurer, United States mint, Philadelphia.

George W. Lane, superintendent branch mint, Denver, Colorado Territory.

George B. Dickson, assessor of internal revenue, Wilmington, Delaware.

R. H. Carnahan, assessor of internal revenue, Danville, Illinois.

Cole Noel, assessor of internal revenue, Adel, Iowa.

Thomas J. Sternbergh, assessor of internal revenue, Lawrence, Kansas.

Thomas L. Morrow, assessor of internal revenue, Somerset, Kentucky.

Eben. F. Stone, assessor of internal revenue, Newburyport, Massachusetts.

Ivers Phillips, assessor of internal revenue, Worcester, Massachusetts.

Amasa Norcross, assessor of internal revenue, Fitchburg, Massachusetts.

Anthony J. Bleeker, assessor of internal revenue, New York city.

George M. Woodbridge, assessor of internal revenue, Marietta, Ohio.

Thomas G. Turner, assessor of internal revenue, Providence, Rhode Island.

Charles J. Hascall, assessor of internal revenue, Charleston, South Carolina.
Peter M. Pearson, assessor of internal revenue, Washington, D. C.
C. H. B. Day, assessor of internal revenue, Dover, Delaware.
Robert D. Noleman, assessor of internal revenue, Centralia, Illinois.
Warren H. Withers, assessor of internal revenue, Fort Wayne, Indiana.
Jacob Weart, assessor of internal revenue, Jersey City, New Jersey.
Levi Blakeslee, assessor of internal revenue, Utica, New York.
Oscar J. Averell, assessor of internal revenue, Elmira, New York.
Samuel P. Allen, assessor of internal revenue, Rochester, New York.
William E. Bond, assessor of internal revenue, Edenton, North Carolina.
Henry Fassett, assessor of internal revenue, Ashtabula, Ohio.
Joseph Barnsley, assessor of internal revenue, Doylestown, Pennsylvania.
Chas. S. Dana, assessor of internal revenue, St. Johnsbury, Vermont.
Sam. R. Sterling, assessor of internal revenue, Harrisonburg, Virginia.
W. Johnson, assessor of internal revenue, Appleton, Wisconsin.
Chas. Shuter, assessor of internal revenue, Sparta, Wisconsin.
W. Davis, postmaster, Portland, Maine.
M. T. Willard, postmaster, Concord, New Hampshire.

The following revenue officers think the proposed reform inapplicable to their districts :

Edward Prentiss, collector of customs, New London, Connecticut.
H. N. Trumbull, collector of customs, Stonington, Connecticut.
Joseph F. Babcock, collector of customs, New Haven, Connecticut.
S. B. Upham, collector of customs, Portsmouth, New Hampshire.
Thomas Loring, collector, Plymouth, Massachusetts.
Robert S. Rantoul, collector, Salem, Massachusetts.
Charles Anthony, collector, Providence, Rhode Island.
Reuben Rockwell, assessor of internal revenue, Colebrook, Connecticut.
Andrew J. Warner, assessor of internal revenue, Prophetstown, Missouri.
George I. Bergen, assessor of internal revenue, Galesburg, Illinois.
James B. Weaver, assessor of internal revenue, Bloomfield, Iowa.
Benjamin Gratz, assessor of internal revenue, Lexington, Kentucky.
Samuel L. Blaine, assessor of internal revenue, Maysville, Kentucky.
D. C. Palmer, assessor of internal revenue, Gardiner, Maine.
Nathaniel A. Joy, assessor of internal revenue, Ellsworth, Maine.
Nathaniel Wales, assessor of internal revenue, Stoughton, Massachusetts.
William S. King, assessor of internal revenue, Boston, Massachusetts.
Charles C. Esty, assessor of internal revenue, Framingham, Massachusetts.
Joseph P. Douglass, assessor of internal revenue, Columbia, Missouri.
Carr B. White, assessor of internal revenue, Georgetown, Ohio.
Willard Slocum, assessor of internal revenue, Ashland, Ohio.
Thomas J. Jordan, assessor of internal revenue, Harrisburg, Pennsylvania.
Daniel G. Hay, assessor of internal revenue, Cairo, Illinois.
John Boyd Headley, assessor of internal revenue, Morristown, New Jersey.
John B. Weaver, assessor of internal revenue, Ashville, North Carolina.
L. B. Frieze, assessor of internal revenue, Providence, Rhode Island.

WASHBURNE—DONNELLY.

JUNE 1, 1868.—Ordered to be printed and recommitted.

Mr. POLAND, from the select committee appointed to investigate certain charges made by Mr. Ellihu B. Washburne against Mr. Ignatus Donnelly, submitted the following

REPORT.

The select committee appointed under a resolution of the House of May 4, 1868, to investigate certain charges made by Mr. Ellihu B. Washburne, a member of the House from the State of Illinois, against Mr. Ignatus Donnelly, a member of the House from the State of Minnesota, as set forth in the preamble of said resolution, submit the following :

The committee gave due notice to Mr. Washburne and Mr. Donnelly that they would meet on the 14th of May, to enter upon the investigation directed by said resolution, and requested their attendance. The committee met on said 14th of May, and were attended by Mr. Washburne and by Mr. Donnelly and his counsel. The committee met on several subsequent days by adjournment from time to time.

It was conceded by both the above named gentlemen that the charges made by Mr. Washburne against Mr. Donnelly upon the floor of the House, as set forth in the preamble, were withdrawn in the House by Mr. Washburne in a manner satisfactory to Mr. Donnelly, so that the only remaining duty of the committee was to investigate the charges contained in Mr. Washburne's letter, which is copied at length in said preamble.

At a meeting of the committee held on the 27th of May, Mr. Washburne submitted a communication in writing to the committee, of that date, which is hereto appended. In said communication, Mr. Washburne claimed that in his published letter there was not intended to be, and was not, contained any charges against the official character or conduct of Mr. Donnelly as a member of the House, and that the deduction from the language of his letter, that he charged Mr. Donnelly with "bribery and corruption," stated in the preamble, was unwarranted.

This avowal on the part of Mr. Washburne was accepted as satisfactory by Mr. Donnelly as to all the statements in Mr. Washburne's letter bearing upon his character and conduct as a member of the House, so far as not to require an investigation by the committee.

There remained then for the consideration of the committee only that portion of Mr. Washburne's letter charging Mr. Donnelly with disreputable conduct many years ago and prior to his election as a member of the House.

In the preamble to the resolution directing this investigation, it is said that Mr. Washburne charged Mr. Donnelly with being a *fugitive from justice*, which implies that he fled to avoid arrest and punishment for some crime.

In the opinion of the committee, this deduction of the preamble is hardly warranted by the language of the letter, that he left Philadelphia under suspicious circumstances between two days. We spend no time, however, upon this, as it is not material to our conclusion. The charge is opprobrious and imputes to

Mr. Donnelly disreputable and dishonorable conduct, so that the use of such language upon the floor of the House would be disorderly, and a breach of the privileges of the House, and of Mr. Donnelly as a member.

Mr. Washburne, in his written communication above referred to and also verbally before the committee, stated that he did not appear before the committee as a prosecutor, and declined to assume the affirmative of attempting to substantiate his charge against Mr. Donnelly by proof.

On behalf of Mr. Washburne, it was claimed that the charges or statements in the letter having reference to the conduct and character of Mr. Donnelly anterior to his election to Congress, were no breach of the privileges of the House or of Mr. Donnelly as a member, and that therefore the House had no proper jurisdiction to direct an investigation, as to their truth or falsity.

Mr. Donnelly constantly and persistently urged upon the committee that they should proceed to investigate the truth or falsity of the allegations against him, and avowed his entire willingness to assume the affirmative, and to disprove them and to pay the expense of witnesses for that purpose; and in reply to the argument of Mr. Washburne, that there was no such case of breach of privilege as would justify the House in ordering such investigation, both Mr. Donnelly and his counsel urged that that question had already been settled by the House in the passage of the resolution, and that the committee were bound to proceed and hear his evidence, and that whether in strictness the letter of Mr. Washburne was a breach of privilege or not, he was entitled to the opportunity to vindicate his reputation and character from unjust attacks upon it.

Mr. Washburne further stated to the committee, that though he declined to appear to sustain the affirmation of the charges against Mr. Donnelly, and claimed that they furnished no sufficient ground of jurisdiction for such an investigation, still he did not withdraw his charges, and if the committee decided to go forward, he should claim the right to produce evidence in reply to Mr. Donnelly, and endeavor to establish the truth of all he had alleged.

The committee have endeavored to give the subject such careful and considerate attention as it deserves, and while anxious to do exact and equal justice to both the gentlemen interested in it, they have been equally anxious not to establish a precedent that should go beyond the proper legal and parliamentary jurisdiction and authority of this house, in sustaining and protecting its own privileges and that of its members. And especially have your committee desired not to go beyond the true line of privilege in a case where a precedent, once established, would necessarily furnish occasion for frequent and perplexing appeals for the exercise of the power of the House for the defence and protection of the reputations of its members from attacks having no reference to their official character.

Upon such consideration and examination as your committee have been able to give this question, they are unanimously of opinion that the charges of disreputable conduct, (or of criminal conduct, if the language will bear that interpretation,) made by Mr. Washburne against Mr. Donnelly anterior to his becoming a member of the House, are not a breach of the privileges of the House, or of Mr. Donnelly as a member, and therefore furnish no proper ground for an investigation with a view to protect and defend the privileges of the House or its members by punishing the person violating them.

Libellous publications in reference to that parliamentary body itself are a breach of its privileges which may be punished, and so a libellous publication against a single member of such body, in his capacity as a member, or affecting his conduct or character as such, is equally so, as casting discredit upon the body. But a libellous publication concerning a member in his private character and capacity only, has never been regarded as a breach of privilege, either of the body of which he is a member or of the member himself, and he must seek redress for such private injury in the same manner other citizens do, by vindi-

cation through the public press, or by resort to the legal tribunals. The principle is much the same as that applicable to the person of the member. If an assault be made, or other personal injury be done, to a member while in attendance upon the House, or while going to or returning from such attendance, it is a breach of privilege; but an assault upon the person of a member not in attendance, and in no way affecting his attendance as a member, is not.

As has been already stated, if the words of this letter had been used by Mr. Washburne upon the floor of the House, they would have been disorderly, a breach of the privileges of the House, and of Mr. Donnelly as a member, and he could properly have been punished therefor. This is upon the ground that the use of any language upon the floor derogatory to the personal character of a member is calculated to provoke disturbance and disorder in the proceedings, and bring the body itself into contempt and disgrace. These reasons do not apply to the publication of the same words in a newspaper a thousand miles distant.

In relation to the binding force of the passage of the resolution by the House, as urged by Mr. Donnelly, we would observe, that upon the introduction and passage of the resolution, the power of the House and the extent of its proper jurisdiction does not appear to have been at all debated, and was not probably to any considerable extent considered. The resolution also assumed that the letter of Mr. Washburne charged Mr. Donnelly with bribery and corruption as a member, which, if true, was clearly a proper question of privilege for the action of the House.

Your committee have not, therefore, felt themselves at all embarrassed by the language of the resolution, or thereby compelled to go forward in the investigation of what remains of this case, which, in our judgment, is of a private and personal character only, involving no question of privilege. If the judgment of the House should not concur with that of the committee, no delay will have occurred by reason of our now presenting our report to the House in its present form.

Your committee therefore ask to be discharged from the further consideration of the resolution, and recommend that the same be laid upon the table.

WASHINGTON, D. C., *May 27, 1868.*

SIR: The committee of investigation, of which you are the chairman, was not appointed at my instance, nor do I appear before you in the attitude of a prosecutor. I am here simply to learn the pleasure of the committee, and to make such brief explanations as may clearly set forth my position and my relation to the investigation with which it is charged.

After extraordinary provocations, unknown to the committee or to the House of Representatives, and extending through a series of years, I wrote the letter which has been made the subject of investigation, in direct reply to a letter written and published by the gentleman from Minnesota, arraigning me in his own district for my official conduct in the House of Representatives. I did not deem it incumbent on me to bring the gentleman's letter before the House, nor did I deem myself justified in demanding that the time of the House should be taken up in making any of his attacks upon me, outside of the House, the subject of its investigation and inquiry.

In the present position of this matter, the inquiry is, as I understand, solely directed to the letter, inasmuch as all matters alleged by me in the House were withdrawn after the gentleman had withdrawn the offensive portions of his speech, and declared that he made no assault upon my honesty, upon my integrity, or upon my private character. In the letter there is no charge touching the gentleman's official character as a member of the House, and no allegation

of "bribery and corruption," as stated in the preamble. As to other matters in the letter, they refer wholly to the gentleman's life and character preceding his election to Congress and his entrance upon his duty as a representative. As I have stated that this committee was not raised at my instance, it is not for me to say whether it will enter upon the investigation of charges not made in the House, and not referring to the official conduct or character of the gentleman, but relating solely to events that transpired preceding his election, and in nowise connected therewith. It is, therefore, for the committee to determine what jurisdiction it will assume, and what course it will pursue. Under such circumstances, I respectfully await its action in the premises.

Very respectfully, yours, &c.,

E. B. WASHBURNE.

Hon. FRANCIS THOMAS,
Chairman of Committee, &c.

McKEE vs. YOUNG.

JUNE 2, 1868.—Ordered to be printed.

Mr. UPSON, from the Committee of Elections, submitted the following as the

VIEWS OF THE MINORITY.

The undersigned, a member of the Committee of Elections, not being able to concur in the conclusion arrived at either by the majority or the minority of the committee in their reports heretofore submitted to the House in this contested election case of *McKee vs. Young*, (Report No. 29 of this session,) submits, by leave of this house, the following report of his views in said case:

The election in this case was held on the 4th day of May, 1867, and the candidates for the office of representative in Congress in this (the ninth) congressional district of Kentucky, were John D. Young, Thomas M. Green, and Samuel McKee, the republican or radical candidate being Mr. McKee, and Mr. Young and Mr. Green being the opposition candidates, or rather the candidates of the democratic or conservative party in this State. It appears by the said report of the majority and minority in this case, (Report No. 29, pages 11 and 18,) that the majority (or rather plurality) of Mr. Young over Mr. McKee, as officially reported, was 1,479, as claimed and admitted by both parties, the vote cast for Mr. Green being so small as not to require any notice in this contest. It also appears from the said report of the majority (pages 10, 11, and 12) that, deducting from this majority the votes cast for Mr. Young at precincts where the election officers were illegally appointed and were not qualified by law to act according to the statutes of Kentucky, including precincts where rebel election officers officiated and one precinct defectively certified, being in all a majority of 1,473 votes over those cast at the same precincts for Mr. McKee, and it leaves, as shown on the face of the report itself, a majority of only five votes for Mr. Young. From the same report (page 12) it is also shown that, to make up this majority of five votes for Mr. Young, eight votes cast by deserters from the federal army are counted by the majority of the committee for Mr. Young, which votes if rejected, as they should have been, would have given Mr. McKee a majority of three votes on the basis given, or statement contained in the majority report, and would entitle him to the seat. But the evidence in this case also shows (page 23, Mis. Doc. No. 13, and certified copy of poll-book) that at Little Sandy (Middle Fork) precinct, in Morgan county, G. G. Adkins, one of the judges of election, had been in the rebel army, and was disqualified to act as such judge by the laws of Kentucky. The majority for Young here, as returned and counted, is 55, and as the election here was clearly illegal, and as the vote of this precinct was evidently by mistake overlooked by the majority in their report, these 55 votes should be deducted from Mr. Young, making the actual majority for Mr. McKee 58. The vote of Centreville, in Fleming county, where the officers were not legally appointed, is also overlooked by the majority of the committee, and which gave Mr. Young a majority of 132. This also rejected, would make McKee's majority 190. But, in addition to this, it further appears from said report (page 6) that, of the remaining votes counted for Mr. Young by the majority of the committee, in addition to those cast in the precincts rejected, and deducted as above referred to, 666 were cast by returned

(and, as will be claimed hereinafter, unpardoned) rebel soldiers, and if these were rejected, Mr. McKee's majority, as above stated, would be increased to 856.

It is also further suggested in said report (page 6) that, while the evidence gives the names of 767 rebel soldiers who voted for Mr. Young, the testimony tends to show that in the aggregate in the district more than 2,000 returned and unpardoned rebels cast their votes for him at this election.

It remains to be seen whether under these circumstances and under such a state of facts this house will say that Mr. Young has received a majority or plurality of the votes lawfully cast at said election in this district.

The undersigned, while concurring with the majority in the view which they take of Mr. Young's disloyalty as disqualifying him to take the oath of office, even if he had received a majority vote, nevertheless finds that Mr. Young did not receive a majority or even plurality of the lawful votes polled at said election, and that Mr. McKee is, by the vote of the qualified electors of said district, duly chosen a representative in Congress, and entitled to his seat as such.

The internal condition of Kentucky, as affected by the late rebellion and the participation of many of her citizens therein, is now a matter of history, of which this house will judicially take notice, and her consequent condition even later than the date of this election is also strikingly shown in the report of Major General Thomas, as embodied in the annual report of the Secretary of War, accompanying the last annual message of the President.

When the rebellion virtually terminated by the surrender of Lee, April 9, 1865, by the terms of said surrender the officers were to give their individual paroles not to take up arms against the government of the United States until properly exchanged, and each company or regimental commander sign a like parole for the men of their commands; and each officer and man was allowed to return home, "not to be disturbed by United States authority as long as they observe their parole and the laws in force where they reside."

The subsequent surrender of Johnston and his army was on the same terms, as is believed was also that of Kirby Smith and all the other rebel forces. Their condition was then that of paroled prisoners of war, and not that of qualified voters, in the several States to which they might return for the election of representatives in Congress.

By the President's proclamation of amnesty of May 29, 1865, he specially excepted from the benefits thereof in class 10th of the exceptions there designated, "all persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the federal military lines into the pretended Confederate States, for the purpose of aiding the rebellion." *Prima facie*, therefore, on the 4th day of May, 1867, all returned rebel soldiers in Kentucky were not only paroled prisoners of war, but were also unpardoned rebels, whom the reconstruction acts had not affected, as they did not apply to Kentucky. They had "left their homes within the jurisdiction and protection of the United States, and passed beyond the federal military lines into the pretended Confederate States for the purpose of aiding the rebellion." What effect any proclamation of amnesty issued by the President since the said 4th day of May, 1867, may have had upon the condition of such persons, it is not necessary here to consider, as it cannot affect the merits of this case.

It will hardly be contended that paroled prisoners of war in a State have a right to elect representatives to Congress, or, if they attempt it, that Congress has not the right and power to prevent it.

The act of Congress of March 3, 1865, decitizenizes, by their own voluntary act, all persons who have deserted the military or naval service of the United States who shall not return to said service, or report themselves to a provost marshal, within sixty days after the issuing of the President's proclamation under the provisions of said act, and makes them forever incapable of holding any office of trust or profit under the United States, or of exercising any rights

of citizens thereof, and the act of Congress of July 19, 1867, recognizes expressly this loss of citizenship in consequence of desertion.

The statutes of Kentucky also recognize the right of expatriation on the part of the citizen, and that naturalization can only be effected under the laws of the United States, so as to make the naturalized person a citizen of that State, and no person by her constitution can be a voter who is not a citizen. Citizenship of white persons in that State is derived by birth within that or some other State of the Union, or residence therein, or by naturalization under the laws of the United States and the like residence in said State. The few exceptional cases it is not necessary to notice. That deserters, by reason of this act of Congress, are not legal voters, has also been expressly held by the majority of the said committee in the recent case of *Delano vs. Morgan*, from the 13th Congressional district of Ohio. (Report No. 42 of this session, p. 3.)

We next come to consider the appointment, qualification, powers, and duties of election officers, which in Kentucky consist of two judges of election and one clerk, appointed for each election precinct by the county court of the county, and a sheriff or person acting as sheriff.

By the laws of Kentucky the judges of election are required to superintend the election, determine upon the legality of all the votes, see that they are properly recorded with the voter's name in the poll-book, attend to the proper summing up of the votes, certify the poll-book over their signatures, and deliver the same in an envelope, sealed by them before they separate, to the sheriff.

When the judges disagree the sheriff is to act as umpire between them. The clerk is required in the presence of the judges to sign his name at the foot of every page of the poll-book as the election progresses, so that the same may be thereby identified.

If the office of sheriff is vacant, or if the sheriff is himself a candidate at any election, all his duties pertaining to that election are to be performed by the coroner and such deputies as he (the coroner) may appoint for that purpose. When a person offering to vote is not personally known to one of the judges or sheriff as a qualified voter, he is to be interrogated under oath by one of the judges or the clerk as to his qualifications, and if he appears to be qualified he is allowed to vote, unless his right is disputed by one of the judges, or sheriff, or some person present. If disputed, the judges are to hear witnesses on each side, and decide as may appear right from the proof and the statements of the party; the law thus requiring the judges, clerk, and sheriff of election all to be personally present and officiating while the election is progressing.

In the case of *Chrisman vs. Anderson*, in the 36th Congress, from the State of Kentucky, the Committee of Elections say on this point as follows: "The voting is *viva voce*; the name of each voter and of the candidate for whom he votes being publicly cried by the sheriff or his deputy, and recorded by the clerk." (Bartlett's Cont. Elec. Cases, p. 329.)

From the nature of their powers and duties as well as from the condition of Kentucky, consequent upon the rebellion, it will be seen how important it was that these election officers should be impartially selected and appointed as required by law, equally from each of the two political parties, and also that no participant in or adherent of the rebellion should be allowed to be appointed or to act as such election officer, and the law of Kentucky recognizes this importance by imposing a penalty on all officers of that State, having the power to appoint any of such election officers, who fail to observe these requirements. This act with an amendment thereto is as follows:

[Myers's Supplement, p. 456.]

AN ACT to amend section one, article three, chapter 32, title "Elections," of the Revised Statutes.

Be it enacted by the general assembly of the Commonwealth of Kentucky, That hereafter, so long as there are two distinct political parties in this Commonwealth, the sheriff, judges,

and clerk of election, in all cases of election by the people under the Constitution and laws of the United States, and under the constitution and laws of Kentucky, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party, and the other judge of the other or opposing political party; and that a like difference shall exist at each place of voting between the sheriff and clerk of elections: *Provided*, That there be a sufficient number of the members of each political party resident in the several precincts as aforesaid, to fill said offices. And this requirement shall be observed by all officers of this Commonwealth who have the power to appoint any of the aforesaid officers of election, under the penalty of fine of \$100 for each omission, to be recovered by presentment of the grand jury.

MARCH 15, 1862.

AN ACT to amend an act entitled "An act to amend section one, article three, chapter 32, title 'Election,' of the Revised Statutes," approved February 11, 1858.

SECTION 1. That in construing the act approved February 11, 1858, to which this is an amendment, those who have engaged in the rebellion for the overthrow of the government, or who have in any way aided, counselled, or advised the separation of Kentucky from the federal Union by force of arms, or adhered to those engaged in the effort to separate her from the federal Union by force of arms, shall not be deemed one of the political parties in this Commonwealth within the provisions of the act to which this is an amendment.

SEC. 2. This act to take effect from and after its passage.

It is submitted that such statutes cannot be considered as directory merely, but as imperative, and it is insisted also that the condition of this portion of Kentucky, at the time when this election was held, made the rigid enforcement of this law a matter of vital interest to the loyal Union men of that district.

It is stated by the minority of the committee in their report heretofore referred to, (page 16,) that all these election officers must by the laws of Kentucky have been appointed in June or July, nearly a year preceding this election, and hence they argue that the vote of these officers cast at this election is no evidence of their political status at the time of their alleged appointment, the year previous, and they quote from the reasoning of the chairman of the committee in the case of *Blakey vs. Golloday*, (Report No. 1, of this session, page 3,) in support of this position.

Unfortunately, however, for their argument, they overlooked the fact that this congressional election was held by virtue of an act of the legislature of Kentucky, passed February 18, 1867, which provided that the officers of election to be appointed by the county courts in March or April of that year, for the election of constables and justices of the peace, should be the officers of election for the election of members of Congress, on the same 4th day of May, 1867, so that the appointment was only made a month or two, at the furthest, prior to the election, and the vote of the election officer would be a pretty sure criterion of his political party status at the time of his appointment, especially as the representative in Congress was the most important officer to be chosen at said election.

But the case of *Blakey vs. Golloday* was expressly decided on other grounds, and no decision was made as to the political construction to be given to this law of Kentucky.

The report itself on this subject uses this explicit language:

"But the conclusion to which the committee arrived has rendered unnecessary all speculation as to the true construction or mode of administering the law which it is claimed has been violated;" which "law" referred to is the very statute, as shown by the contest, which we are considering. But the minority of the committee referred to have also overlooked the important fact that in this case there is other evidence than the poll-books to show the political status of the election officers. There is not a precinct specified in the report of the majority where the poll-book shows the election officers not politically divided as required by law, where there is not other testimony in the case, to show the political status of these election officers in corroboration of the poll-books, though there may be one or two where only one of them is specifically named or identified.

But in addition to this there is the testimony of Mr. Campbell, (page 48 Mis. Doc. 13,) a lawyer residing in Maysville since 1849, tending to show, from his own knowledge of the election officers appointed for the county of Mason for this election, where most of the said election precincts are situated, that 28 of them out of 44 were recognized notoriously as friends of the rebellion during the war, seven as conservative Union men, four as uncertain, and only five as belonging to the same political party with Mr. McKee.

Twenty-eight voted for Young, seven for Green, five for McKee, and four did not vote. Thus, in this county alone, it appears that 28 of the election officers were disqualified by reason of disloyalty, while it is further shown by the testimony that the county judge who appointed them was himself a paroled prisoner from Camp Jackson, St. Louis, Missouri, who "always contended that Camp Jackson was not a rebel camp," and whom the witness understood "to be, and to have been from the beginning of the war, a man who desired the success of the rebel armies and the defeat of the Union armies," though he has frequently said "that he was and is a Union man, and that Congress and its adherents are the real disunionists."

By the law of Kentucky he was disqualified to act as an officer of election. How appropriate, then, was it for him to act as county judge and to constitute one of the board to canvass and make return of the votes of the county and issue certificates to those declared elected?

We may well be disposed to scrutinize, if not to question, the official acts of such an officer in reference to this election.

The political predilections of Mr. Thomas M. Green, the third candidate for Congress at this election, and the relation which he sustains to this contest, may be easily inferred from the fact that the poll-book of his precinct at Maysville shows that he voted for John D. Young, and also that in the testimony he appears as an ardent, eloquent, and argumentative witness in his behalf.

The evidence, then, in regard to the precincts specified in the majority report shows, outside of the poll-books, not only the objections there stated, but also proves many of the election officers to have counselled, aided and abetted, or adhered to the rebellion, so as to disqualify them to act as election officers. It also shows that Coryell, the sheriff at Orangeburgh precinct, in addition to his disloyalty, was a candidate for justice of the peace at this election and was elected.

This was an additional disqualification, and prohibited him from acting as an election officer by the laws of Kentucky.

That elections held and returns made by officers illegally appointed, or not properly qualified, are illegal and should be rejected, it is sufficient to refer to the following precedents:

If the State law requires three magistrates to preside at the election, a return made by three persons, two of whom were not magistrates, was held defective. (*Jackson vs. Wayne*, Cl. & H., 47.)

The neglect of the returning officers to be sworn, where the law requires them to act under oath, vitiates all returns made by them. (*McFarland vs. Culpepper*, Cl. & H., 221.)

If an election is required by law to be held by three judges who are to be sworn, and it is held by two not sworn, the votes taken by them are to be rejected. (*Easton vs. Scott*, Cl. & H., 272.)

The neglect of election officers to take the oath required by law vitiates the polls for the county or precinct in which such officer acts. (*Draper vs. Johnston*, Cl. & H., 702; and see also *Letcher vs. Moore*, Cl. & H., 715.)

Where the law required the board of election officers to consist of three persons and but two officiated, the vote was rejected. (*Howard vs. Cooper*, Bartlett's Election Cases, 275.)

Where the poll-book was not certified to by any of the officers of the election, held that the vote should not be counted. (*Chrisman vs. Anderson*, Bartlett, 328. See also a remark of the committee in *Harrison vs. Davis*, (Bartlett, 343,) and especially the report of the committee in the case of *Delano vs. Morgan*, of the present session.)

In reply to the point made by the minority in regard to the sacred nature of the right of suffrage and the legality of the acts of "*officers de facto*" in such

cases, it is sufficient to quote from the minority report made by Mr. A. H. Stephens, in the case of *Bennett vs. Chapman*, May 13, 1856, (Bartlett 212,) which report was sustained by the House. In said report Mr. Stephens says: "The contestant in this case, in a paper filed with the committee, says that the right of suffrage under our form of government is a great, sound, and paramount right, and not to be lost by the errors, omissions, or neglect of subordinate officials." The undersigned cannot agree with the contestant in the extent to which he asserts the doctrine in this proposition. The right of suffrage, great and inestimable as it may be, is nevertheless a right regulated and qualified by law; indeed, it can only be properly exercised in conformity to the requirements of law—without these it would soon cease to be valuable.

The evidence also shows some violence and intimidation practiced at some of the polls rejected towards Union men there, which it is sufficient here to allude to in this connection.

The following statement shows the majorities returned for Mr. Young in the precincts where the returns are rejected:

<i>Mason county.</i>	
Mays' Lick.....	172
Maysville, No. 1.....	131
Germantown.....	86
Maysville, No. 2.....	112
Lewisburg.....	148
Washington.....	69
Minerva.....	65
Orangeburgh.....	67
<i>Morgan county.</i>	
Ruin.....	73
Caney.....	58
West Liberty.....	77
Little Sandy.....	55
<i>Fleming county.</i>	
Elizaville.....	80
Centreville.....	132
<i>Bath county.</i>	
Sharpsburgh.....	109
Mud Lick.....	51
<i>Montgomery county.</i>	
Camargo.....	132
To these add deserters voting for Young.....	8
Rebels voting for Young.....	666
Total.....	2,291
Deduct Young's majority as returned.....	1,479
McKee's majority.....	812
If to this you add Easterling as specified in majority report.....	44
McKee's majority is.....	856

Under the law and the facts, then, the undersigned submits that Mr. McKee is elected and is entitled to be sworn in and take his seat as a member of this house.

CHARLES UPSON.

REPORT
of the
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE HOUSE OF COMMONS
ON THE 11TH MARCH 1881
IN REGARD TO THE
LANDS BELONGING TO THE
CROWN

REPORT
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COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE HOUSE OF COMMONS
ON THE 11TH MARCH 1881
IN REGARD TO THE
LANDS BELONGING TO THE
CROWN

The Commission of the Land Office have the honor to acknowledge the receipt of the resolution of the House of Commons, passed on the 11th March 1881, in regard to the lands belonging to the Crown, and to inform you that the same has been forwarded to the proper authorities for their consideration.

The Commission of the Land Office have the honor to inform you that the same has been forwarded to the proper authorities for their consideration.

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SUTRO TUNNEL.

[To accompany bill H. R. No. 1153.]

JUNE 3, 1868.—Ordered to be printed.

Mr. D. R. ASHLEY, from the Committee on Mines and Mining, submitted the following

REPORT.

The Committee on Mines and Mining, to whom was referred a memorial of the Nevada legislature, "asking aid in the construction of Sutro tunnel," after careful consideration, have prepared the accompanying bill and recommend its passage.

This bill provides for the loan of government credit to assist in the construction of a mining and draining tunnel to the Comstock lode, in the State of Nevada, upon which are located the most productive gold and silver mines known to modern times.

The novelty of the proposed legislation, the principles involved, the importance of the interests affected, and their intimate relation to the financial questions of the day have induced your committee to devote much time to the investigation of the subject, the result of which is a thorough conviction on their part that the proposed legislation is wise, judicious, and to the best interests of the country.

The first question which presents itself to our consideration is, what benefit does the nation at large derive from the production of gold and silver?

Gold and silver have, since time immemorial, been the standards of value among all civilized nations. Nature, which has distributed them in limited quantities over different portions of the globe, has made their production so difficult and has so surrounded it by obstacles, that it must always remain comparatively limited.

These are and will always remain the true representatives of value; we may for a time, compelled by necessity or for the sake of convenience, issue paper representing so much gold and silver, but the value of that paper money is regulated by the ability of the nation to redeem it at some time at its par value in gold and silver.

If a sufficient quantity of the latter is at or may be brought to the command of the national treasury, paper will be worth as much as gold and silver; if there is a certain degree of doubt in that ability, paper money will be at a discount in precisely that proportion as that doubt be great or small.

A nation, therefore, in order to protect the value of its paper issues, requires the precious metals, or an ability of acquiring them; whether this be accomplished by such a regulation of commerce as will bring the balance of trade in our favor, or, in other words, the influx of gold and silver from other countries, or whether we acquire the same by the production of our mines, does not materially affect that result.

It has been said the increased production and export of agricultural products and other commodities are most beneficial to the nation, for, besides counting as

so much money in our favor, their production leaves a profit to the producers, enriching the nation to that extent.

The gold and silver dug from the earth, on the contrary, as has often been asserted, costs more than its value, and there is consequently a loss in the operation; this has been given as a reason why the pursuit of mining results in no benefit to the country.

Such reasoning, however, is fallacious; for the miner may, individually, be the loser in expending one dollar or more in digging another dollar from the earth, but the results of his labors are that he leaves *two* dollars for the benefit of the world. The dollar expended by the farmer simply changes from one person to another; the wheat is consumed, and the same dollar only remains which existed before. The product of the miner serves a double purpose. In the first place it answers as an article of export, if the balance of trade requires it, thus paying for the commodities of other countries, and in that regard equals wheat or any other product. In the second place—and this is its most important function—every dollar produced by the miner helps to increase the volume of the precious metals of the world, by that means exercising a most beneficial influence upon the general welfare of the nation, and particularly upon the payment of the national debt.

To explain this operation we quote from the able report of the Nevada legislature, as follows:

DEPRECIATION IN THE VALUE OF MONEY.

The world's stock of coin in the year 1848 was, in round numbers, eighteen hundred millions of dollars; to this has been added to the present time an equal amount, of which the United States have furnished, according to Secretary McCulloch's late report, eleven hundred millions. Allowing two thousand millions as the natural increase of taxable property by the growth of the country, we still find that the same has doubled in the United States within the period named. From seven thousand millions it has increased to sixteen thousand millions. This result is due to an increase in value of all property and commodities, caused by the depreciation in value of the precious metals. Thus the same article that could have been bought 18 years ago for one silver dollar, now requires two; or, in other words, two silver dollars at the present time only have the intrinsic value of what one then had.

DIFFERENCE BETWEEN THE PRECIOUS METALS AND OTHER COMMODITIES.

It must be borne in mind that there is a vast difference *between the production of gold and silver and all other commodities*. Most of the latter are articles of consumption; they are useful for a special purpose, in the application of which they are consumed, disappear, and cease to exist. The farmer who produces wheat to the value of \$1,000, and the miner who digs out gold to that amount, may derive an equal profit from their different pursuits; and hence one stands on an equality with the other, so far as individual gain or the interest of a particular locality is concerned; yet wheat is ground into flour, made into bread and consumed, while the gold dug out by the miner finds its way into the channels of trade, is transferred from one nation to another, as the balance of trade may require, *and forms a permanent addition to the stock of the precious metals of the world*.

INCREASE IN QUANTITY OF THE PRECIOUS METALS.

At the time of the discovery of America in 1492, the stock of the precious metals in Europe was estimated at \$170,000,000. In the year 1600, it had increased to \$650,000,000—a gain of nearly four fold.

That extraordinary addition to the precious metals in a little more than 100 years had a corresponding effect. Gold and silver became cheaper in the same ratio as their quantity had increased. It required four times the amount to buy any commodity—that is to say, all commodities increased in price four fold. The same increase in prices can be traced distinctly to the present day, as the stock of the precious metals gradually increased, while making due allowance for all other causes which exercised a bearing in that direction, such as the increase of commerce, the growth of population, facilities for intercourse between different nations, &c. &c.

APPRECIATION IN VALUE OF PROPERTY.

The conclusion we arrive at, by carefully examining into this subject, which is clear and positive, is that the increase in quantity of the precious metals depreciates their value in precisely the same proportion as it appreciates the value of all kinds of property. Or, in

other words, the percentage added to the stock of the precious metals in circulation, adds the same percentage to the money value of all property in the world.

Francis Bowen, the best American authority on political economy, expresses this view in the following words:

"The general principle is, that the value of money falls in precisely the same ratio in which its quantity is increased. If the whole money in circulation should be doubled, prices would be doubled; if it was only increased one-fourth, prices would rise one-fourth."

The same principle is laid down by John Stuart Mill, well known as the highest modern authority in England. He says:

"It is to be remarked that this ratio would be precisely that in which the quantity of money had been increased. If the whole money in circulation was doubled, prices would be doubled; if it was only increased one-fourth, prices would increase one-fourth."

INCREASE OF TAXABLE PROPERTY IN THE WORLD.

To illustrate the immense bearing this rise in prices exercises all over the world, we will assume the following figures:

Taking the taxable property of the whole civilized world at \$200,000,000,000, the amount of money in existence at \$3,600,000,000, the addition of \$900,000,000 would depreciate the precious metals 25 per cent., and, in consequence, it would require \$250,000,000,000 to purchase all the taxable property of the world. The addition of \$900,000,000 in money, therefore, would have the effect of producing \$50,000,000,000 in the increased value of property. Every addition of \$100,000,000 has its corresponding influence on the increased value of all property; it adds over \$5,000,000,000 to the property of the world. This increase of value may not be perceptible from year to year; the aggregate result, however, after a number of years, is inevitable. Bowen refers to this as follows:

"There may be brief and violent fluctuations in the relative value of particular commodities, while the great movement is steadily going on which slowly changes the value of all."

IT DOES NOT AFFECT INDIVIDUALS.

This increase in value, however, does not materially affect individuals; for when the cost of living increases, the rates of wages do also; *but it acts as a stimulus to enterprise, and thus creates general prosperity.*

Hume long ago remarked that "in every kingdom into which money begins to flow in greater abundance than formerly, everything takes a new face; labor and industry gain life; the merchant becomes more enterprising; the manufacturer more diligent and skilful; and even the farmer follows his plough with greater alacrity and attention. But when gold and silver are diminishing, the workman has not the same employment from the manufacturer and merchant, though he pays the same price for everything in the market; the farmer cannot dispose of his corn and cattle, though he must pay the same rent to his landlord. The poverty, beggary, and sloth that must ensue are easily foreseen."

Even so cautious and conservative a writer as the distinguished English political economist, McCulloch, fully admits the truth of this view, though he adds the just qualification that the fall in money must proceed from natural causes.

William Jacob, in his valuable treatise on the precious metals, remarks:

"The world is very little really richer or poorer from the portion of metallic wealth that may be distributed over its surface. The whole mass of material wealth is neither diminished nor increased by any change in the relative weight of gold and silver to the usual measures of other commodities. The only benefit to the world in general from the increase of those metals is that it acts as a stimulus to industry by that general rise of money prices which it exhibits to the view. It matters little to him who raises a bushel of wheat whether it is exchanged for a pennyweight or an ounce of silver, provided it will procure for him the same quantity of cloth, shoes, liquors, furniture, or other necessities which may be desirable to him."

IT MATERIALLY AFFECTS A DEBT.

But when a debt already exists, being a fixed number of dollars, the decrease of value of each dollar reduces the debt in the same proportion. The immortal and much-lamented Lincoln thoroughly understood this question, when, in his annual message of 1862, he made use of the following language:

"The immense mineral resources of some of those Territories ought to be developed as rapidly as possible. Every step in that direction would have a tendency to improve the resources of the government and diminish the burdens of the people. *It is worthy of your serious consideration whether some extraordinary measures to promote that end cannot be adopted.*"

That wise and good man had carefully studied the effect which was then strongly felt in Europe, and which is alluded to by Alison, the English historian, as follows:

BENEFICIAL INFLUENCE IN GREAT BRITAIN.

"It will belong to a succeeding historian to narrate the wonderful spring which this country (England) made during the five years which followed 1852, under the influence of the gold discoveries in America and Australia. The annual supply of gold and silver for the use of the world was, by these discoveries, suddenly increased from an average of ten millions to thirty-five million pounds sterling. Most of all did Great Britain and Ireland experience the wonderful effects of this great addition to the circulating medium of the globe. Prices rapidly rose, wages advanced in a similar proportion, exports and imports enormously increased, while crime and misery rapidly diminished. Wheat rose from 45 to 65 shillings, but the wages of labor of every kind advanced in nearly as great a proportion; they were found to be about 30 per cent. higher than they had been five years before. In Ireland, the change was still greater, and probably unequalled in so short a time in the annals of history. The effect of the immense addition to the currency of the world, to the industry of all nations, and in an especial manner of the British Isles, has been prodigious. It has raised our exports from £58,000,000 in 1851 to £97,000,000 in 1854, £95,000,000 in 1855, and £115,000,000 in 1856; and augmented our imports from £157,000,000 in the former to £172,000,000 in the latter year."

PROSPERITY OF THE UNITED STATES.

Thus, the influence of the increased metallic currency saved Great Britain from bankruptcy; and while its mysterious agency was working these wonders in Europe, it exercised a similar bearing in this country. Some years before the rebellion, this country had commenced to prosper; and when that deplorable event began, our resources were just expanding under the beneficial influence of the increased metallic wealth. Had it not been for the constant and continuous flow from California, which increased the resources many fold, when they were most needed, the difficulties of providing the requisite means to carry on the war would have been so great that the disruption of the Union might have been the result. It has been the wonder and marvel of all Europe how the United States carried on that gigantic war for four years, kept one million of men in the field, contracted during that brief space of time a national debt of nearly \$3,000,000,000, and came out in a more flourishing and prosperous condition than when engaged in it. The explanation of this wonderful phenomenon is simple—the *magic agency of gold wrought it*.

THE NATIONAL DEBT.

The issuance of a depreciated paper currency during the war has had the effect, as confidence became restored, and as its metallic value increased, of enriching the population at large who held that currency, enabling them to pay off their private debts, while the government, issuing at one time as much as three paper dollars, which only had the value of one metallic dollar, became proportionally more in debt. The result, therefore, has been, that the individual debts of the American people have, to a large extent, been transferred to the government, increasing the same to an enormous extent, and amounting to-day to \$2,500,000,000. That debt is a burden on \$16,000,000,000 of taxable property; if we increase the latter, we virtually reduce the former.

INCREASE OF TAXABLE PROPERTY IN THE UNITED STATES.

The amount of the precious metals at present in circulation throughout the world, amounts to \$3,600,000,000. The proposed tunnel to the Comstock lode will, within thirty years, add \$900,000,000 to the same, or 25 per cent. It will consequently add 25 per cent. to the taxable property of the United States, equal to \$4,000,000,000, which, at the rate of taxation of two per cent., will give an annual increase to the resources of this government of \$40,000,000 for each of the first thirty years, and \$80,000,000 for each year thereafter.

INCREASE OF REVENUE.

The proposed work adds each year \$30,000,000 to the stock of the precious metals, equal to the one hundred and twentieth part of the \$3,600,000,000 in existence. It therefore adds the one hundred and twentieth part to the \$16,000,000,000 of taxable property in the United States, equal to an annual increase of \$133,333,333. That addition, made from year to year, gives the above stated result, as will be seen by the following table:

<i>Increase of taxable property.</i>		<i>Increase of revenue.</i>	
1st year	\$133,333,333 at two per cent. =	\$2,666,666	
2d year	266,666,666 " "	5,333,333	
3d year	400,000,000 " "	8,000,000	
6th year	800,000,000 " "	16,000,000	
12th year	1,600,000,000 " "	32,000,000	
15th year	2,000,000,000 " "	40,000,000	
24th year	3,200,000,000 " "	64,000,000	
30th year	4,000,000,000 " "	80,000,000	

PAYMENT OF THE NATIONAL DEBT.

If this annual increase in revenue be set apart for the purpose, it will pay off the whole national debt in forty-six years.

When Francis Bowen wrote his "Principles of Political Economy," we had no national debt. In referring to that of Great Britain, he says :

"As the depreciation goes on, taxation may be extended *pari passu* without throwing any additional burden upon the community ; and a sinking fund formed out of the surplus thus obtained would pay off the national debt in less than one generation. Our national debt, it is true, is but small, and what little there is, will quickly be extinguished. But the debts of the individual States are large, amounting in the aggregate to over \$200,000,000, a large portion of which is owned in Europe. It is, therefore, satisfactory to remember that as the monetary revolution will operate exclusively to the benefit of the indebted party, our own land will derive as much benefit from it, in proportion to our means, as any other country on earth."

SIR ROBERT PEEL.

The effect of the increase of bullion on taxable property and a national debt has been long recognized by the financiers and statesmen of Great Britain, and was enunciated in the following language, held by Sir Robert Peel, in 1844 :

"There is no contract, public or private, no engagement, national or individual, which is not affected by it. The enterprises of commerce, the profits of trade, the arrangements made in all domestic relations of society, the wages of labor, pecuniary transactions of the highest amount and the lowest, *the payment of the national debt*, the provision for the national expenditure, the command which the coin of the smallest denomination has over the necessities of life, are all affected by it."

M. CHEVALIER.

M. Chevalier, the well-known French writer on political economy, in his treatise on "The Probable Fall in the Value of Gold," published in 1859, says: "Owing to the discovery of the new gold mines, a time will arrive when a change will come over the British treasury as if some genii, an enemy of its creditors, had spirited away their dividend warrants, and substituted others of only half their value. Not that the number of pounds sterling, due to them as principal, and of which the interest is counted to them every six months, will be diminished—not that the quantity of gold contained in the pound sterling will be lessened ; but the British treasury will henceforth draw from the tax-payers each pound sterling, with as little difficulty to them as it previously took to pay a half sovereign."

That the increase of the stock of the precious metals quietly but surely works a revolution in the value of all property in the world appears convincing, and is shown conclusively by the foregoing extract.

If, then, by their production, we can increase the value of the taxable property in the country, thereby enabling us to relieve the burdens of the people by reducing taxation, and still collect the same amount of revenue, we would be unwise indeed were we to neglect and allow to go to ruin an interest which can, with a little fostering care and appropriate legislation, be made to spread its blessings throughout our country.

That some legislation is required to stimulate our mining interests the investigations of your committee have clearly established for the production of the precious metals is decreasing, while the vast extent and value of our mineral regions is being demonstrated more conclusively from year to year.

The views expressed in the introductory to a book on our mineral resources, lately published by Adolph Sutro, are worthy of our serious consideration. Mr. Sutro says :

The development of the mineral resources of this country forms a subject of such grave importance, one involving considerations of a politico-economical nature of such significant consequences, that it well behooves the American statesman, the patriot who has the future of this great republic at heart, to devote some time to the earnest examination of those questions which have a vital bearing upon the future welfare of this country.

In the vast regions stretching from the Mississippi river to the broad Pacific ocean, from the confines of Mexico to the icy regions of the north, there lie buried in the bowels of the earth incalculable treasures of the precious metals, which but await the industrious application of the hardy miner and the fostering care of a provident government to pour out a stream of gold and silver, which will so much increase the national wealth, augment the resources of the nation, and spread welfare and prosperity throughout the extent of this vast

land, that the burdens of taxation will gradually disappear, and make the national debt sink into insignificance.

If we contemplate that mighty interest, which can be made to create so many blessings, and find that it is neglected and declining from year to year, we must arrive at the firm conclusion that there is something radically wrong in our present system of mining, and that an immediate, practical, and effectual remedy should be applied to rescue from steady decline and eventual abandonment a source of wealth which must be considered the most fruitful and important one this nation possesses.

If the facts presented in the following pages are carefully examined, three prominent conclusions will be arrived at:

1st. That the main wealth of the mineral regions is contained in quartz lodes, the principal treasures of which are found at great depths beneath the surface.

2d. That the present mode of mining downwards from the surface is detrimental to the prosperity of the mining interests.

3d. That a system of deep tunnelling should be inaugurated, which will make mining profitable by giving a natural outlet to the flow of water, by ventilating the mines, by cooling the atmosphere, and by facilitating the extraction of ore.

Mining requires capital, which the western regions do not possess; the eastern States have an abundance, but not for investment in mining enterprises, which are looked upon with suspicion, and are almost considered disreputable.

Some years ago many persons were found quite willing to embark in mining ventures, and considerable sums were invested; but the experiences made have been disastrous and ruinous to those concerned, in almost every instance. This result has been charged to various causes, but the true one must be sought in the unwise, extravagant and wasteful manner in which the work on the mines has been performed.

The construction of deep tunnels, which by all authorities are admitted to be absolutely necessary to make mining operations successful, requires time, and the outlay of large amounts of capital, and consequently implicit confidence in the permanency of the mines.

It is the lack of confidence in the permanency of the mines, (their downward extent to great depth not having practically been demonstrated in the United States) which prevents the execution of such works.

The Comstock lode, the most productive of all mineral lodes in the world, producing as much silver as the whole republic of Mexico, presents the most extraordinary example, illustrating the ruinous and wasteful manner of our present system of mining. We have a lode here which has produced within the last six years over \$75,000,000, and the whole of that enormous sum has been swallowed up by the expenses of producing it! The mines upon this lode have now reached such a depth that, after a few years, they must inevitably be abandoned, provided a deep tunnel be not constructed.

Great mineral lodes, true fissure veins, according to experiences made in older countries, extend downward indefinitely; we have the testimony of some of the first scientific men living, that the Comstock lode bears the strongest evidences of being a true fissure vein.

Here then we have a remarkable state of affairs; a lode yielding \$16,000,000 per annum, almost the whole amount being absorbed by the expenses of producing it, while the construction of a deep tunnel, for which extraordinary facilities exist, would leave a large portion of that amount as a profit; the downward continuance of the lode is theoretically, at the same time conclusively, proven, and still we find that *capitalists* cannot be found to undertake the construction of a deep tunnel, because the ores at great depth are not actually visible.

Were that tunnel completed to-day, a glorious reality, pouring out a silver stream of 40 or 50 millions per annum, these same *capitalists*, who first want to eye the riches way down in the earth before they consent to invest, would be eager to enter into similar undertakings in all parts of the mining regions, and tunnelling would become the order of the day. *The nation would be enriched beyond all expectation, and the benefits to the government and the people would be incalculable.*

That it is both the duty and the interest of the government to aid in the construction of one such tunnel to serve as an index work, and thereby establish the continuance of mineral lodes in depth, cannot admit of any doubt.

The most favorable opportunity for such a demonstration presents itself in the construction of the proposed tunnel to the Comstock lode; *the government may consistently extend its credit to that work, for almost no risk is involved, the security offered being a hundred-fold; a simple investigation of the subject will prove this conclusively.*

Some 30 years ago, a similar question arose in Saxony, when Baron von Herder, then chief of the mining department, as an introductory to a book on the subject, addressed his countrymen in the following words:*

"To the friends of their country do I dedicate the plan of a mining work, the execution of which is of the highest importance to the mining interests of Saxony.

"It is the plan to drive a deep tunnel from the level of the Elbe, near Meissen, to the neighborhood of Freiberg, in order to drain the water from the mines of that district to a much greater depth than heretofore, and by means thereof to secure their existence for centuries to

* The Deep Meissen Tunnel, by Sigmund August Wolfgang, Baron von Herder. Leipzig, 1838.

come; a plan which as to magnitude, time, and cost, is large and gigantic, but which appears in its effects and results so benevolent and full of blessings, that the question as to cost should not form an obstacle to its execution.

"It is true that the resources of the mining treasury of the Freiberg district are too limited to bear these expenses; *but the execution of a work which in times to come will be classed in the list of those great national monuments which have for their object the lasting welfare of a country, and which will secure the same for the latest generations and times, cannot be left to the mercy of a single mining district, but should be looked upon as a work creating happiness and glory, and worthy of the participation and promotion of the entire nation.*

"With unlimited confidence do I therefore present to the friends of their country the following explanation and statement of this project.

"*May they extend to it a wise and sympathizing examination and magnanimous consideration, and may they be assured of the fervent thanks, which posterity will grant them.*"

The mines of Saxony produced, and now produce but a mite of what our mines do; the national debt of that country is but small, and the burdens of taxation are not of an onerous character.

How much stronger then should the argument be in the case at issue! A country containing more mines and richer mines than all the balance of the world combined; a country having a national debt amounting to over \$2,500,000,000, and a people crying out and groaning under unequalled burdens of taxation!

Wisdom and foresight point out but one course: let the mineral resources of the country go to ruin, and the national debt, the burdens of taxation, and general suffering will be increased from year to year.

Let our immense mineral resources be developed, an increase in the value of all property, a relief of the burdens of taxation, unparalleled advancement of commerce, industry, and traffic, a bright future, speedy resumption of specie payments, and general welfare and prosperity, will be the results.

Those who rule the destinies of this country have the solution of this question in their hands; wisdom, foresight, liberality, and true patriotism will grasp the issue, and promptly secure those results which will immensely benefit our present generation, and extend its blessings to posterity.

Your committee considers the execution of one great mining work, such as the proposed tunnel to the Comstock lode, as conducive to the most beneficial results; it would practically demonstrate the continuance of mineral lodes in depth, thereby establishing confidence in the execution of similar works in all the mining districts.

Writers on mining agree on the importance of general drain tunnels, and the best proof of their utility is shown by the fact that in those mining districts where a general and extensive system of drainage by tunnels has been adopted, the mines have been kept in a flourishing condition during hundreds of years, while in those places where no tunnels have been made, mining operations have proved unprofitable, and the mines have been abandoned.

We find in all mining codes provisions for the construction of tunnels; they were, in olden times, called the "keys of the mountains," and under the laws of Spain, Belgium, Prussia, Austria, Hungary, Saxony, Hanover, and other countries, compulsory payments, towards the support of drain tunnels, were exacted from the mine owners, in order to keep up the mining districts.

Gamboa, the great expounder of Spanish mining law, in speaking of the neglect of the justices to enforce the construction of tunnels, says:

By indulging in this neglect of their duty they do injustice to the public, to individuals, and to the rights of the sovereign, who has made it a law, that the working of the mines shall be assisted by means of tunnels, as being works of great importance, and *necessary* for giving a permanent character to this valuable description of property.

General drain tunnels are important in many regards; they not only provide the cheapest and safest means of drainage, ventilation, extraction and discovery of ore, *but they accomplish the great and very important result of consolidating the different interests in a mining district, by establishing one general base of operations.*

As mines are worked now, the proprietors, or companies, on a mineral lode—no matter how limited the extent of their claims—each, independently of their neighbors, erect a steam-engine, pump the water from their mine, hoist the ore, and transport it to the reduction works; they boast of independent organiza-

tions, presidents, boards of trustees, superintendents, secretaries, &c., &c., kept up at an enormous expense, which makes mining unprofitable and a losing business.

In large cities we find it necessary to establish a joint system of drainage, gas and water-works; main sewers are constructed, into which small branches enter from every building; supposing each house-owner were to provide his own drainage, independent of his neighbors, establish his own gas manufactory, and dig a canal of his own from a distant spring in order to get a supply of water, the world would pronounce such proceeding very unwise and foolish.

And still we find a similar state of affairs in our great mineral districts; a contiguous row of mines on the same lode, each worked independently and entirely regardless of its neighbors, while one general tunnel, or adit, or drain would allow the water to run off by its natural flow to the lowest level, from *all* the mines, through one common outlet, thereby abolishing at once all pumping machinery, giving one common railroad for the transportation of all the ore, and creating innumerable advantages. Only one general mining administration would be required, operations could be carried on jointly and systematically, the extraction of ore largely increased, the health of the miners secured by good ventilation, and large sums of money would be saved, thereby making it possible to extract immense bodies of low-grade ores.

In short, instead of an unwise, shortsighted, ruinous, and stupid manner of proceeding, we would inaugurate a rational system of mining, a system which would make it profitable, attract the capital which is absolutely necessary for the development of this branch of industry, increase the production of the precious metals beyond all expectations, populate the vast extent of our mineral regions, procure traffic for our trans-continental railways, stimulate the commerce and industry of the whole nation, firmly establish our credit by proving the extent of our mineral wealth, and, above all, relieve the burdens of taxation by increasing the value of all property.

Such are some of the advantages which, in our opinion, would be derived from the adoption of a general system of tunnelling in our great mining districts, and it must appear remarkable that such tunnels, their advantages being so self-evident, have not already been constructed in numerous places.

There are many causes, however, which prevent their construction, and we must look for these in the manner in which mining property is owned and acquired.

The men who undergo all sorts of privations, hardships and dangers in the hazardous pursuit of prospectors, do so not for the purpose, after discovering a promising mine, of working it, establishing a home and deriving a legitimate income therefrom, but the great stimulus for their exertions is the prospect of rapidly realizing a fortune by selling the property thus discovered and acquired to some capitalists in the large cities of the eastern States.

Few lodes show much valuable ore at the surface; if such a one is discovered, the croppings of which give large assays, it generally causes much excitement among the miners, who, either ignorant of geology, or too apt to believe what they wish, imagine that the whole body of the lode, for its width, length, and to any depth, will prove of the same character. They go to work with a good will, sink shafts and inclines, but soon discover the fact, which is well known to all experienced at mining, *that lodes are not continuously ore bearing*, but only contain bunches or chimneys of good ore, while great masses of barren quartz or country rock, which intervene both horizontally and perpendicularly, necessitate a protracted search for ore, which is expensive and often proves a serious obstacle to financial success.

Other difficulties interfere with the miner. If he is really fortunate enough to discover a valuable body of ore near the surface, there may be no mill in the district to reduce it; or if there be a mill, the ore may be of so rebellious a character as to defy reduction to advantage.

He soon arrives at a depth where a steam pump is required, his means become exhausted, and the accumulating difficulties compel him either to lose all the fruits of his labors by abandoning the property, or to dispose of it to other parties who have a sufficiency of means.

Self-interest and a desire to acquire the much coveted fortune, notwithstanding his own failure, induce him to pursue the latter course. He starts off for New York or Boston, well provided with specimens, certificates of assay, transcript of record and general recommendations; he there exhibits his vouchers and proofs and proposes to dispose of the property to a joint stock company. The plausible reason given for selling so valuable a mine for so small a sum is that the means are wanting for the erection of steam pumps, hoisting and reduction works, by the aid of which the ore and bullion to be realized would only be limited by the number of men employed and the crushing capacity of the mill.

The miner, who now becomes an unscrupulous speculator, well recollects how easily he was deceived himself in regard to the continuous character of the ore contained in mineral lodes, and knows that persons who never have seen a mine could easily be led into the same error.

The most adventurous and enterprising, those who want to make fortunes without much work, greedily swallow the miner's stories, and are but too eager to enter into the scheme; they have not the remotest idea of following mining as a regular pursuit to be carried on legitimately and regularly, but they simply want to enter into a sort of outside speculation, to speedily make a fortune and then sell to somebody else.

On the strength of these representations a company is formed of men of means totally ignorant of the subject, a superintendent is sent to the mine no better informed, a pumping engine and mill contracted for, and not until they are erected and in complete running condition, work on the mine itself is commenced in order, as is supposed, to shovel or dig out the quantity of ore required for the daily supply of the mill.

Now comes the disappointment. Notwithstanding the good assays, notwithstanding the substantial pumping engine, notwithstanding the mill constructed after the most approved plans, notwithstanding the well organized company with a full staff of officers, the whole affair proves a failure.

Everything is there but a sufficient quantity of good ore, and nothing is left but to go deeper on the mine in order to try and find it; and while this tedious and expensive process is going on the mill lies idle; the officers receive their salaries, and the pumping engine is kept going at a lively rate. Instead of remittances of silver bricks, more assessments are called for, and the unfortunate stockholder, after paying up for a year or more, becomes disgusted with his enterprise and abandons the whole affair as a bad job.

Here we have the whole secret how the lack of confidence in mining enterprises has been brought about. The persons who made these investments did so on the strength of false representations made to them, that an immense fortune could rapidly be realized simply by the erection of a pumping and hoisting engine and a mill; and being disappointed in their calculations, they could not be induced to enter into any other enterprise connected with mining under any consideration whatever.

Had these persons been told that, in order to properly open a mine, several hundred thousand dollars and several years of time would be required, they certainly would not have entered into the operation; this class of men are not willing to wait years for returns, and since a rational system of mining requires patience and the outlay of much capital, these are not the ones to engage in it.

If a mine really proves valuable and rich ore is at once extracted from the same, it often falls into the hands of joint stock companies, whose object is not to work the mine fairly and legitimately, but who manage to make large fortunes, by shrouding the doings at the mine in mystery by only opening one gallery at

a time, and thus contrive to make its value appear either extravagantly high, or of hardly any value whatever.

In the one case the price of shares is brought to the highest figures by employing as many men as will find room in the mine, taking out unusually large quantities of ore and making large dividends; in the other case the mine is declared exhausted, all supplies of ore are withheld, assessments are levied, lawsuits against the mine are commenced, and thus the price of shares is unduly depressed. In the former case the managers, who form a ring which controls much capital, want to sell out at a large profit; in the latter case they want to buy in again and start out for a repetition of the operation.

There is no doubt but that mining has, in these various ways, been brought into disrepute, and the public, gulled and swindled, not caring to investigate the true causes of their losses, declare mining ruinous and unprofitable in the highest degree. No capital can any longer be found for the opening of mines, no matter how promising, and the result is a general depression in mining operations.

The sooner the ownership of our mines passes from the hands of these speculators into those of men who are willing to enter into mining as a legitimate pursuit to be followed for years, and as a permanent investment, the better it will be for the general interests of the country.

In order to arrive at this result it is necessary to restore confidence in mining operations, which can only be accomplished by demonstrating that mining *can* be made a most lucrative, permanent and satisfactory occupation, that mineral lodes extend downward to any depth, and that nearly all the present difficulties may be overcome, provided all the smaller interests in a district are consolidated under one rational system.

Deep drains and working tunnels have, by experience in Europe, been found to accomplish these results. They are necessary for the development of our immense mineral resources. But how are they to be constructed, requiring, as they do, millions of dollars and years of time, while no confidence exists in mining operations?

Your committee consider the successful construction of *one* such work as the means of restoring confidence in that important branch of industry, of inducing private capital thereafter to enter freely into like operations in other districts, thereby adding much to the wealth, population, commerce, and resources of the country, and building up, on a permanent basis, the vast empire stretching from the Mississippi river to the Pacific ocean, whose only resources are its mineral wealth, and which will form the future great market for the agricultural products of the western and the manufactures of the eastern States.

By far the most important and productive mining district in the United States is that which contains the Comstock lode, in the State of Nevada. The miners on that lode are laboring under the difficulties already indicated, and, for the want of a deep drain tunnel, are fast approaching abandonment. Extraordinary inducements present themselves for the execution of such a work at this place.

Your committee have patiently and carefully investigated all the questions having any bearing upon the subject, and, without reporting at length the particulars of the documents, evidences, and general information which have been examined, beg leave to submit the following general statement of facts and conclusions which have induced them to perfect the accompanying bill, and earnestly recommend its passage.

SUMMARY OF FACTS AND CONCLUSIONS.

1. Gold and silver are the true standards of value; paper representing so much money may be issued for convenience or from necessity, but its value is regulated by the ability of the nation at some time to exchange the same for

its par value in gold and silver. If there is a certain degree of doubt in that ability, it will be at a discount in precisely that proportion as that doubt be great or small.

2. A given quantity of the precious metals exists throughout the world ; if that quantity is increased, their value depreciates in precisely the proportion (all things being equal) in which that increase takes place.

3. The *decrease* in value of the precious metals manifests itself by the *increase* in value of all commodities, or, in other words, more of the precious metals are required to obtain any given commodity.

4. By the increase in quantity of the precious metals and the consequent increase of taxable property, the same amount of revenue may be collected at a less rate of taxation.

5. Where a large public debt exists, being a given number of dollars, the reduction of value of each dollar reduces the debt in the same proportion ; the burdens of the people in paying the interest, and eventually the debt itself, are lessened in the same degree.

6. The public debt of the United States being large, and the mines of the precious metals almost unlimited, their development becomes a question of high importance to the country.

7. Notwithstanding the discovery of new mines, and the increase in extent of our mineral resources, the production of the precious metals is decreasing from year to year.

8. The spirit of speculation, the eagerness of making rapid fortunes, and the misrepresentations resorted to to induce persons to purchase mining claims, together with the failure of nearly all such enterprises, have, among capitalists, completely destroyed confidence in mining operations.

9. The greatest part of treasure is furnished by mines, the value of which consists in an abundance of pay ore, not in its richness. The best paying and most productive gold mines are those which yield from one to two ounces of gold, or from two to three pounds of silver, in every two thousand pounds of ore. The large masses of material which have to be handled to obtain the precious metals make our present system of working and managing each mine separately unprofitable.

10. General drain and working tunnels, by the aid of which all the mines of a mining district may be opened jointly and economically, are required ; their construction is prevented by the lack of confidence already indicated, and on account of general ignorance of the continuance of mineral lodes in depth.

11. That true lodes are continuous in depth is practically proven by the works on European mines, which have been carried to a depth of over 2,500 feet ; no authenticated instance is recorded of a true fissure vein having been found to terminate in depth.

12. Theoretically, the continuance of mineral lodes in depth is proven by the well-established theory, generally accepted by scientific men, that true veins have been formed by fissures in the earth, filled by sublimation from the great laboratory below.

13. That general drain tunnels are the means of increasing the yield of bullion and keeping up the mining districts, is shown by the flourishing state in which the mines of Germany have been kept during centuries, while nearly all the mining districts where no tunnels have been constructed have gone to decay.

14. The governments of Europe recognizing the importance of drain tunnels, and appreciating the magnitude and difficulty of such works, have for centuries extended liberal aid and encouragement to their construction.

15. The example of other countries, however, is not required to demonstrate the advantages of these tunnels ; ordinary judgment teaches that natural drainage substituted for the never-ceasing labor of pumping, one general system of ex-

traction and transportation instead of numerous independent organizations, and a consolidation of all efforts instead of a division of forces, must prove more effective, economical, and fruitful of beneficial results.

16. The construction of an extensive tunnel of this kind in one of our important mining districts, brought into successful operation, would do much towards re-establishing confidence in this important branch of industry; it would practically demonstrate the continuance of mineral lodes in depth, prove that mining operations *can* be made profitable and lasting, and that they offer a fine field for the investment of capital.

17. It is highly probable that the result would be the construction through private enterprise of many such tunnels in the different mining districts, the opening up of many mines which otherwise could not be opened and made profitable, a consequent increase in the production of the precious metals, and the placing of our mining operations on a permanent and solid basis.

18. The most valuable and productive mines in the United States are situated on the Comstock lode, in the State of Nevada; they have produced within the last six years over \$80,000,000 of gold and silver bullion, and their present annual yield exceeds \$16,000,000.

19. Notwithstanding this large yield, but little profit is derived from them; the mines are entered by numerous shafts, upon which 47 steam-engines are kept in motion with fire-wood, costing \$16 in gold per cord, the only fuel to be obtained in the neighborhood.

20. These shafts have reached a depth of from 800 to 900 feet, and the constantly increasing expenses of working the mines, as greater depth is attained, make their abandonment inevitable, provided a deep tunnel be not constructed.

21. The largest part of the taxable property in the State of Nevada is located within this district, which now presents a scene of life, industry, and happiness. The abandonment of the mines would bring ruin and desolation upon its inhabitants, and make it relapse into an uninhabited wilderness.

22. These mines are favorably located on the side of a mountain, 2,000 feet above the adjoining valley; a horizontal tunnel driven in from the foot-hills will drain them to that depth, will allow them to be worked 1,000 feet or more below the tunnel level, and will make mining operations thereon profitable for one hundred years to come.

23. The facilities for opening the mines by numerous galleries after the completion of the tunnel will be so great that the present production of \$16,000,000 may be made to exceed \$50,000,000, or even reach \$100,000,000 per annum. These results can only be reached after the completion of the tunnel to its intersection with the Comstock lode, and will give such a stimulus and self-activity to the enterprise, as will concentrate all the energy, ingenuity, and skill which can be brought to bear, in order to rapidly complete the work.

24. The future yield of these mines, by aid of the tunnel, is estimated by the Nevada legislature at \$1,000,000,000; the tunnel will traverse at right angles for four miles the country to the eastward of the Comstock lode, where numerous parallel lodes are known to exist which may yield an amount equal to that of the Comstock lode.

25. The length of this tunnel will be about seven miles. It is a work difficult and expensive, but entirely feasible. By means of a shaft, with the modern improvements in rock-drilling machinery and blasting material, it may be accomplished in three or four years.

26. Exclusive privileges have been granted by the State of Nevada and by Congress to Adolph Sutro and his associates, and contracts have been entered into by the different mining companies from which an annual income will be derived exceeding \$2,000,000.

27. Notwithstanding the most brilliant prospects, the efforts to obtain the necessary funds for the construction of this tunnel have been unsuccessful.

The lack of confidence indicated above; the magnitude and difficulty of the enterprise; and the fact that all the money invested would be lost should it be insufficient to complete the work, have prevented its success through private means.

28. The favorable location of these mines for deep drainage by tunnelling; their great yield heretofore; the probability of their increased yield hereafter; and the security which can be given, make this a peculiarly fit occasion for the extension of government aid in order to demonstrate the continuance of mineral lodes in depth, and to inaugurate a rational system of mining.

29. The total cost of the tunnel cannot be accurately given. From an examination of the cost of numerous tunnels constructed in the United States, England, France, and Germany, it appears probable that its cost will be about \$8,000,000.

30. The issue of bonds to the amount of \$5,000,000 by the government during the progress of the work, at the rate of \$15,000 for every hundred feet completed and accepted, would secure the speedy construction of this important work.

31. To secure the payment of these bonds a mortgage should be made to the government on the tunnel and everything appertaining thereto, and the *total revenue*, after its completion to the Comstock lode, set apart for their redemption.

32. It is probable that none of these bonds need be paid by the government; for it seems that the work may be completed in four years, that the revenue of the tunnel company will suffice to take up the entire amount issued in two or three years after its completion, while under the bill reported they are made payable in twenty years.

33. The security offered to the government appears satisfactory and ample, for, independently of the millions of treasure which will be extracted hereafter, the large bodies of low-grade ores now visible in these mines, which must remain until the completion of the tunnel renders their extraction profitable, will give an income sufficient for the payment of the bonds.

34. By demonstrating to the world that our mineral lodes are continuous in depth, we absolutely prove that we possess an incalculable stock of treasure; that our wealth is almost unlimited; that our capacity for paying the national debt is beyond doubt; that we have the gold and silver to redeem our paper currency, and that repudiation is out of the question; all of which will improve our credit abroad, induce capitalists to take our promises to pay at their par value, *and at a lower rate of interest*, thereby directly relieving the people from the burdens of taxation.

35. If we take into consideration the magnitude of this undertaking, the large yield of bullion which will be directly secured thereby, the great influence by its successful completion upon all our mining districts, the stimulus it will give to mining generally, the positive proof it will furnish of our immense mineral wealth, and consider the importance of attaining these results, in view of our large national debt, ordinary wisdom and foresight should command that the aid asked for the construction of this important work, or a much larger sum if it were necessary, should be granted, even were no security whatever offered for its repayment.

DELOS R. ASHLEY.
MORTON C. HUNTER.
JAMES M. ASHLEY.
ORANGE FERRIS.
JOHN F. DRIGGS.
RUFUS MALLORY.

WASHINGTON, D. C., May 6, 1868.

The first of these is the fact that the British Empire was not a static entity, but a dynamic one, constantly expanding and contracting in response to the changing needs of the world.

It was not until the late 19th century that the British Empire reached its greatest extent, covering more than a quarter of the world's land area and a third of its population.

This expansion was driven by a number of factors, including the need for raw materials, the desire for new markets, and the belief in the superiority of British culture and values.

At the same time, the British Empire was also a source of wealth and power for Britain, providing the resources needed to maintain its position as a world superpower.

However, the British Empire was not without its critics. Some argued that it was a source of oppression and exploitation, while others believed that it was a force for progress and civilization.

Despite these criticisms, the British Empire remained a dominant force in world affairs until the mid-20th century, when it began to decline rapidly.

Today, the legacy of the British Empire is still felt around the world, in the form of the English language, the legal system, and the cultural values that have shaped many of the world's major powers.

As we look back on the history of the British Empire, it is clear that it was a complex and controversial institution, one that shaped the world in profound and lasting ways.

It is our duty as historians to explore its history in all its complexity, and to understand the role it played in shaping the world we live in today.

Only by doing so can we begin to understand the full significance of the British Empire, and the impact it has had on the world.

RELIEF OF CERTAIN OFFICERS OF THE ARMY.

[To accompany joint resolution H. R. No. 288.]

JUNE 6, 1868.—Ordered to be printed, and recommitted to the Committee on Military Affairs.

Mr. BOYER, from the Committee on Military Affairs, submitted the following

REPORT.

The committee in reporting the resolution amendatory of joint resolution for the relief of certain officers of the army, approved July 26, 1866, have done so with the expectation that it will include most of those cases in which further relief should be granted on account of the delay or absence of regular muster into the military service.

The committee are aware that it is not practicable by the terms of any general law to provide for every meritorious case; but they are impressed with the belief that special legislation ought to be avoided unless in very exceptional cases, as always likely to involve great irregularity, mistakes, and uncertainty.

There is a large and somewhat varied class of claims, arising out of cases in which commissions were issued to persons who were either never mustered into service, or mustered in after long delay, for which they were not personally responsible. If all these claims were allowed it is estimated that it would require the appropriation of about \$20,000,000 to pay them.

In many of these cases the claimants never performed any duty in the grades to which they were respectively commissioned, because by reason of capture, wounds, or sickness, they were either absent from their commands or unfit for actual service.

In other cases a long time elapsed from the same causes before the claimants could present themselves for muster agreeably to the regulations of the service, but the muster having finally taken place, back pay is claimed for the whole time lost between the commission and the muster.

In some instances there was no vacancy in the rank to which the promotion was made, and another person was filling the rank and drawing the pay, but absent on the recruiting service, or on account of sickness or other cause.

In other cases the regiment or company in which the promotion was made had been reduced below the minimum, or was consolidated with some other regiment or company. In most of these cases your committee is of opinion that there is no sufficient ground for relief.

It must be remembered that in nearly all the cases of this description which come before Congress for special legislation, the muster could not take place because prohibited by some army regulation in force at the time.

It is also to be borne in mind that the regimental and company organization of the volunteer forces was such that the governors of States issued the commissions, and the United States paid the officers. General regulations for muster and pay were absolutely necessary for the protection of the general government, and it by no means followed that because a person was commissioned he

should be at once advanced to the rank to which he had been promoted, and mustered in and paid accordingly. Nor is it always equitable that a second lieutenant who does the duty of a first lieutenant, or a first lieutenant who acts as captain, &c., should each be paid as of the higher rank in which the duties were performed. That one officer should often exercise the authority of a higher rank than that in which he is commissioned, is a common and honorable incident of the service, and does not generally carry with it any well-founded claim to increased pay and emoluments.

Still less is the equity in favor of a commissioned officer who whilst in captivity was promoted to a higher grade, but was unable by reason of his situation to receive his new commission, or to perform any of the duties it devolved upon him, which in the mean time were necessarily discharged, if discharged at all, by some other person.

The committee have, however, recognized as a class of persons entitled to additional relief those who, while performing the duties incident to the rank to which it was intended to commission them, were excluded from the muster solely because, by some accident over which they had no control, their commissions, actually issued, were not promptly received. And they have also considered themselves justified in making a slight discrimination in favor of non-commissioned officers and privates, promoted to be commissioned officers under the circumstances recited.

MARY ANN WARD.

JUNE 6, 1868.—Ordered to be printed.

Mr. MILLER, from the Committee on Invalid Pensions, made the following

R E P O R T .

The Committee on Invalid Pensions, to whom was referred the application of Mrs. Mary Ann Ward for a pension, beg leave to report :

That one Lorentus Corbin, a widower, who was poor and of unsteady habits, came, in the month of October, 1849, to reside with his sister and brother-in-law, Mary Ann Ward and James H. Ward, at Beaver Dam, Dodge county, in the State of Wisconsin, and brought with him his only child, a likely boy of about five years old, of the name of Sylvester V. Corbin; that he made his home with his said sister and brother-in-law up till his death, which took place on or about November, 1858, and the said child continued to reside with them; that from the time the said Sylvester was brought to them by his father they cared for him as if he had been their own child; that when he arrived at the age of about 17 years he went to work in the Beaver Dam mills, still continuing his home with his said uncle and aunt, who received the wages he earned at said mills; that afterwards, on the 10th day of August, 1862, he enlisted as a private in company E, of the 1st Wisconsin cavalry volunteers, in the late war to put down the rebellion, and continued in service until the 26th day of April, 1863, when he was killed in battle in an engagement with the Texan Rangers, about 15 miles from Cape Girardeau, in the State of Missouri.

The said Mary Ann Ward now makes application to Congress for a pension, in consequence of the death of her said nephew, who was killed in the service of the United States while in the line of duty, alleging that he was, in point of fact, their adopted child, and that she was the next heir living that would be entitled to any property the young man may have been possessed of at the time of his death. There was no evidence of a formal adoption of the young man as their child, but they treated him kindly and seemed very much attached to him. (It is not shown that they had any children of their own.) It has *not been proved* that the said James H. Ward and Mary Ann, his wife, were dependent upon the young man for their support. It is true that at the time he enlisted he gave them a small part of his bounty.

Upon the whole case the evidence fails to show either a legal or equitable claim against the government for a pension. The committee therefore recommend an adverse report.

All of which is respectfully submitted.

REPORT

REPORT OF THE COMMITTEE ON THE REVISION OF THE
ARTICLE OF CONFEDERATION

The committee on the revision of the article of confederation, organized in 1913, has the honor to submit to the convention the report of its proceedings. The committee has been organized by the convention of 1913, and has since that time been engaged in a study of the article of confederation, with a view to its revision. The committee has held several public hearings, and has received many suggestions from the public. It has also held several private hearings, and has received many suggestions from the members of the convention. The committee has also held several public hearings, and has received many suggestions from the public. It has also held several private hearings, and has received many suggestions from the members of the convention. The committee has also held several public hearings, and has received many suggestions from the public. It has also held several private hearings, and has received many suggestions from the members of the convention.

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JOHN MADDEN.

JUNE 6, 1868.—Ordered to be printed.

Mr. MILLER, from the Committee on Invalid Pensions, made the following

R E P O R T.

The Committee on Invalid Pensions, to whom was referred the application of John Madden for a pension, beg leave to report :

That, from an examination of the case, it appears that said John Madden, on the 27th day of November, A. D. 1863, enlisted in the service of the United States, in the war of 1861, at Boston, Massachusetts, as a second-class fireman, on board United States steamer *Acacia*, commanded by Captain Barrymore, and was honorably discharged on the 27th of September, 1864, for disability. He made application for a pension, which was rejected by the Commissioner for want of sufficient evidence that the disease for which he claimed a pension was contracted in the service and in line of duty.

From a careful examination of the case, it appears that the said John Madden became seriously diseased in one of his hips by exposure while in the service and acting strictly in line of duty, and it is evident that the Commissioner of Pensions was mistaken in the decision arrived at. But before the committee had an opportunity of reporting, they were informed of the death of the unfortunate applicant ; and therefore report his application back, and ask that the same be laid on the table and committee discharged.

All which is respectfully submitted.

MARY TAIFE.

JUNE 6, 1868.—Ordered to be printed.

Mr. MILLER, from the Committee on Invalid Pensions, made the following

R E P O R T.

The Committee on Invalid Pensions, to whom was referred the application of Mary Taife, widow of Henry Taife, deceased, late a private in company F, of the 20th New York militia, beg leave to report :

That upon a careful examination of this case it appears that the said Henry Taife did not lose his life in action, or in line of duty as a soldier, but was caused by indulging in intoxicating drink while off duty, which induced a quarrel between him and another private who was also intoxicated ; and in the melee the comrade of said Henry Taife bayoneted him, which occasioned his immediate death. The committee, though deeply regretting the untimely death of the unfortunate soldier and dependent condition of his widow and children, feel constrained, under the circumstances, to report against granting a pension in this case.

All which is respectfully submitted.

PATRICK SMITH.

JUNE 6, 1868.—Ordered to be printed.

Mr. MILLER, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the application of Patrick Smith for a pension from the 2d day of May, 1864, beg leave to report :

That it appears from the petition of the applicant that he enlisted as a private in company I, of the 73d regiment of New York infantry, on the 3d day of May, 1861; that on the 2d day of August, 1861, he was promoted to corporal, on the 1st day of September, 1861, to a sergeant, and on the 1st day of March, 1863, was further promoted to the rank of second lieutenant. It is also set forth in his petition that, in consequence of being constantly on the march, his commission failed to reach him until after he was wounded at the battle of Gettysburg, on the 3d day of July, 1863, by a rifle ball, in the right arm and a shell wound in the right hand, carrying off four fingers of said hand; and that, after he left the hospital, he was mustered in as second lieutenant and was afterwards honorably discharged from service, and now asks that he be allowed a pension as second lieutenant from May 2, 1864. The commission to said Patrick Smith, with other papers, was afterwards laid before the committee. Said commission seems to have been issued by his excellency Horatio Seymour, as governor of the State of New York, under date of August 10, 1863, and though it states that it was to rank from March, 1863, it could not have failed to reach the said Patrick Smith in consequence of being on constant march, prior to the battle of Gettysburg, as it did not issue until over a month after that battle in which the applicant was wounded; and besides there was no evidence adduced that he was acting in the capacity of a second lieutenant at the time he was wounded.

The committee therefore recommend an adverse report to this application. From the facts presented it is evident he is already drawing a pension, though not of the grade now asked for.

All which is respectfully submitted.

JAMES A. ANDERSON.

JUNE 6, 1868.—Ordered to be printed.

Mr. MILLER, from the Committee on Invalid Pensions, made the following

R E P O R T .

The Committee on Invalid Pensions, to whom was referred the application of James A. Anderson, a private in company —, of the 10th regiment of Pennsylvania reserve corps, beg leave to report :

That, after a careful examination of the case, the committee have come to the conclusion that the application was in consequence of wounds received in battle, while in line of duty ; has become disabled to the extent of a loss of a limb, and therefore ought to have his pension raised to \$15 per month. But before the committee had an opportunity to report, the Commissioner of Pensions addressed a line to the chairman of the committee, under date of February 28, 1868, stating that he had concluded that the evidence was sufficient to allow the increase under the general law.

Your committee, therefore, report the application back and ask the same to be laid on the table and committee discharged.

All which is respectfully submitted.

REGULATION AND CONTROL OF RAILROADS.

JUNE 9, 1868.—Ordered to be printed.

Mr. COOK, from the Committee on Roads and Canals, made the following

REPORT.

The Committee on Roads and Canals, who were instructed by resolution passed April 27, 1868, to inquire whether Congress has the power, under the Constitution, to provide, by law, for the regulation and control of railroads, especially those extending through several States, so as to secure, first, the safety of passengers; second, uniform and equitable rates of fare; third, uniform and equitable charges for freight or transportation of property; fourth, proper connections with each other as to transportation of passengers and freight; and if, in the opinion of the committee, Congress possesses such power, then to report a bill which will secure the foregoing objects, respectfully report.

The first question is whether Congress has, by the Constitution, such legislative control over the railways of the country which form continuous lines between the different States that it may pass general laws to insure regularity in the running of the trains, uniformity of charges, and safety of passengers, on all of such continuous lines of railroad in the United States. The eighth section of the first article of the Constitution provides "that Congress shall have power to regulate commerce among the several States." Commerce among the several States has been judicially defined to be the interchange of merchandise and the intercourse of persons between two or more States, and the means used for the transportation of such merchandise and of passengers from one State to another are the instruments of commerce. The power to regulate commerce is the power to prescribe rules in conformity with which commerce must be carried on, and extends to the persons who conduct it as well as to the instruments used; this principle was settled by the Supreme Court, in the case of *Cooley vs. The Board of Wardens*, 12th Howard, 316. Accordingly, the first Congress assembled under the Constitution passed laws requiring the masters of ships and vessels to be citizens of the United States, and established rules for the government of officers and seamen; and when navigation by steam was introduced, Congress passed statutes regulating steamboats, their construction, equipment, officers and crews, prescribing qualifications of pilots and engineers, limiting the number of passengers they may carry, specifying the signals they shall use in passing each other, and, in short, has prescribed a minute code for building and navigating those vessels. The right to do this depends wholly upon the power vested in Congress to regulate commerce, and has never been disputed.

Congress has power to prevent the obstruction of any navigable stream which is a means of commerce between any two or more States. *Works vs. Junction Railroad*, 5th McLain, 526; *Jolley vs. Terry Haute Railroad Company*, 6th McLain, 237; *Devoe vs. Penrose Ferry-bridge Company*, 3d American Law Jurist, 79. The power given to Congress in the Constitution to regulate commerce among the States is an unqualified power, not limited to any particular branch, nor restricted to any specified instruments of commerce. The power

conferred is not a power to regulate navigation, but the power to regulate commerce, and if commerce be not limited to the interchange of commodities and the intercourse of persons by boats and vessels, or by navigable waters, then the power of Congress is not limited to the regulation of navigation only. The necessity is the same for the exercise by Congress of the power to regulate commerce carried on by railway as that carried on by steamboat. The reason for the power is the same. The grant of power in the Constitution applies, by its terms, equally to both. Commerce among the several States is not, at this day, exclusively or even mainly carried on by water; other instruments of commerce are now used unknown to the framers of the Constitution, but which seem as plainly within the letter of the Constitution as the instruments of commerce which were known to the framers of that instrument. In the case of *Gray vs. The Clinton Bridge Company*, reported in the *American Law Register* for January, 1868, Mr. Justice Miller, of the Supreme Court of the United States, says:

Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water, and the power of Congress to regulate it is as ample in the one case as in the other. The "commerce among the States" spoken of in the Constitution must, at the time that instrument was adopted, have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted, a means by which merchandise is transported across States and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has, with great benefit, been subject to the control of salutary congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However, this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is, therefore, neither foreign commerce, nor commerce among the States. It seems to me, that where these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States; and that to refuse to do this is a refusal to discharge one of the most important duties of the federal government. As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates, was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce, since it has been placed exclusively under the control of the federal government, has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States, and to the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

For myself, I must say, that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of inter-State communication, or to authorize the creation of such roads, when the purposes of inter-State transportation of persons and property justify or require it.

Before the days of railroads, in the celebrated case of *Gibbons vs. Ogden*, above referred to, Mr. Webster said:

A road, indeed, may be a matter of great commercial concern; in many cases it is so; and when it is so, I think there is no doubt of the power of Congress to make it.

It seems too clear for argument that the immense traffic now carried on between the several States, the interchange of the commodities of the several States, and the transit of the passengers from one State to another, constitutes commerce among the several States according to the strictest meaning of those words as used in the Constitution, and it has been settled beyond controversy that wherever "commerce among the States" goes, the power of the nation goes with it to protect and enforce its rights. *Gibbons vs. Ogden*, 9th Wheaton, 191;

Steamboat vs. Livingston, 3d Cowan, 713; *Gilman vs. Philadelphia*, 3d Wallace, 725.

Few things are better known than the fact that one of the most prevailing motives for the adoption of the Constitution was to regulate commerce; to rescue it from the embarrassing and destructive consequences resulting from the legislation of so many different States, and to place it under the protection of a uniform law. It was believed that the opportunity that some States would have in rendering others tributary to them in commercial relations would be impatiently submitted to by tributary States. A very material and essential object of this power was the relief of those States which, from their peculiar geographical position, must import and export through other States, from the improper contributions which might be levied upon them by the latter. Were the several States at liberty to regulate the question between State and State, means might be resorted to to load the articles of export and import, during their passage through their jurisdictions, with burdens which would fall with peculiar severity on the citizens of the interior States. Since the adoption of the Constitution the importance of these considerations has greatly increased. A large number of new States have grown up, at a great distance from the seaboard, whose exports and imports are carried mainly over the great lines of railroad. If any State has the right, either directly or indirectly, to collect from the inhabitants of other States passing through it any tax or impost whatever, whether the same be collected directly from the passenger or freight, or from the corporation, in proportion to the number of its passengers or the amount of its freight, and so indirectly from the passenger or freight, or if a State may lay a special tax upon any particular line of road, its passengers or earnings, different from that imposed on other roads, and in consideration of the payment of such tax may grant to the corporation the right to fix its own charges, and provide by law against the construction of any competing line, a very heavy burden may be imposed upon the people of the interior States, and the relief sought to be secured by the provision of the Constitution which gives power to Congress to regulate commerce among the several States be in a great measure lost.

It is insisted that the right of eminent domain is in the several States, and not in the United States, and that, therefore, the United States cannot authorize the construction of a railroad, and that the constitutional power of Congress is restricted to the regulation of commerce among the several States, and does not extend to the creation of an instrument of commerce. It is sufficient to say in reply, that the questions that the committee were directed to answer in this report do not embrace the question "whether Congress has the constitutional power to authorize the construction of a railroad between one State and another," but are limited, in express terms, to the question of the regulation of the traffic and intercourse among the several States by means of railroads, and depend for their solution only upon this question: Does the interchange of commodities and the intercourse of persons constitute commerce, as well when carried on by means of railroads as by means of navigable rivers?

It is impossible for the committee to state the value of the commerce among the States at the time of the adoption of the Constitution. It was, however, limited to a few millions of dollars. In the year ending March 31, 1867, the value of freight transported across the State of Illinois by railroad from east to west was \$411,000,000. The value of freight transported across the same State, in the same year, from west to east, was \$235,000,000.

Through-freight westward, for the year 1862.

	<i>Tons.</i>	<i>Value.</i>
Pennsylvania Central railroad.....	145,205	\$125,844,945
Erie railroad	149,896	129,910,394
New York Central railroad.....	161,013	149,544,600

These few statistics, selected because readily accessible, are given to show the immense value of inter-state commerce, which is without any adequate protection, unless it is within the power of Congress to protect it—a commerce which is being extended and developed with wonderful rapidity as the vast territories of the United States west of the Mississippi are being settled and their resources developed. It seems impossible that the almost unlimited commerce which is destined to pass from the interior of the continent to the Atlantic, or from ocean to ocean, and which in the near future may embrace the commerce between Asia and our own Atlantic coast, should be subject to the diverse and conflicting rules, regulations, and limitations, to be prescribed by each State over whose territory it will pass; that each State shall have power to say that such commerce shall be limited to a single route or a single track; that a change of cars should be made necessary when any local interest would be benefited thereby; that competition should be prevented, and power given to each State corporation to impose such charges upon the transportation of freight and passengers from State to State as should be oppressive and burdensome, and which would be impossible if competition were permitted; and yet all these things are not only possible but nearly certain to occur, if this vast commerce is to be regulated only by State laws.

It is conceded that the right of eminent domain is in the States, but this is qualified by whatever right the Constitution has vested in the United States. If it be necessary for the proper regulation of commerce among the States that a railroad should be constructed between two or more States, then, clearly, Congress has the power to authorize such construction, and it is believed to be precisely the same exercise of power as would be the improvement by Congress of the navigation of a river running through several States. In both instances it would be the creation of a means of transportation of commerce not before existing, and would require in each case the appropriation of some soil of the State; and yet the power to improve the navigation of the rivers extending from one State to another has long been exercised, and is believed to be unquestionable.

The right to authorize the building of bridges across the navigable waters of the country has been repeatedly exercised by Congress, and the exercise of such right repeatedly sustained by the Supreme Court.

When we consider the vast importance and proportions of the commerce carried on over the lines of railroad connecting eastern and western portions of the republic, the delays and embarrassments and great expense to which this commerce among the States is subjected by the necessity of frequent transshipments from one road to another, by want of suitable connections and proper running arrangements between the different roads, the importance of a uniform law by which this commerce will be regulated will be perceived.

There is another reason which addresses itself to the committee with some degree of force, why Congress should exercise power to regulate railroads as instruments of commerce. The great lines of railroad west of the Mississippi river, which connect the Atlantic with the Pacific ocean, are being built mainly by means furnished by the national government; the money which is used in their construction is taken from the common fund belonging to all the States. It is well settled that every highway and all public improvements made by Congress in a Territory, and which the federal government has not a right to establish in a State, passes by necessity to the State government when the change from a territorial to a State organization takes place. Congress cannot by legislation for a Territory obtain a power in the future State which it cannot originally exercise without it. This has been frequently decided. The control, therefore, of the Pacific roads can be continued after States are organized along their lines, only by the assertion of a power to charter a railway within their limits after their admission.

It would seem that the power to regulate commerce among the several States,

over the different lines of railway, is far within the limit of the power exercised by Congress in —, in the construction of a national road through different States. It is true that the assent of the States through which the road passed was required, but such assent could not affect the question as to the power of Congress to construct the road. If an act is to go into effect upon a contingency only, the contingency of course must occur, whether it be the consent of the State or any other fact, and this because, as matter of policy, not constitutional law, the statute so provides. If the power to construct this road was given to Congress by the Constitution, the assent of a State legislature was not necessary to its exercise. If the power was not given by the Constitution, the consent of a State legislature could never confer it. The land upon which the road ran was not taken under any State law. The States assented that it should be taken under a law of the United States; such assent could confer no constitutional power upon Congress.

Such has been the pressing necessity for the exercise of the power to regulate the connection of these roads where they form lines passing through different States, that attempts have been made to exercise this indispensable power by authorizing the consolidation of companies chartered by different States. Three or four States get up a new confederation among themselves, under which they attempt to create a corporation by conjoint legislation. What will ultimately be the effect when exigencies occur which call for a legal solution of the difficulties arising from this legislation cannot be foretold. That great confusion has already ensued no one can doubt. What are the powers of a consolidated railroad company whose several charters contain the most conflicting provisions? How can a mortgage be foreclosed upon a railroad in several States? No American court, State or federal, has jurisdiction beyond the State in which it sits. We see to-day the disgraceful spectacle presented by the Erie railroad war. Gentlemen take a boat in the evening and row themselves and their corporation out of the jurisdiction of the courts. If followed, no tribunal can be found in which can be impleaded more than a fraction of the property and persons concerned. These facts show the necessity of the exercise by Congress of the power conferred by the Constitution to regulate commerce among the several States, a commerce not limited either in fact or by constitutional definition to the navigable waters of the country, but for the most part carried on over the great national highways extending in every direction through the length and breadth of the land.

If the United States has not the power to regulate commerce between the several States when carried over railroads, then the State of New York, extending from the ocean to the great lakes, might refuse to allow the construction of any road by which the commerce of the New England States could reach any other portion of the Union by railway, thus effectually cutting off the greatest portion of the commerce of those States; or the State of Maryland could control perfectly all the avenues of communication between New York and the capital. It is no answer to say that this will not be done. The point is, has any State the constitutional power thus to cripple the commerce of another State?

It has appeared in evidence before the committee, by the statement of the Postmaster General, that he has not been able to make a contract for the carrying of the mails between Washington and New York upon the conditions prescribed by law, and that the proposition that the railroad corporations forming the continuous line between said cities might refuse to carry the mails of the United States, has been frequently stated by the officers of said roads, and the committee see no reason why it is not in the power of the corporation to cut off all railway postal communication between Washington and New York.

It is insisted that Congress has no power to create a corporation. The answer is evident. If the railroad corporation is an instrument which is necessary and proper for carrying into effect the powers vested in the government of the

United States, then Congress has the power to create the corporation. (Opinion of Chief Justice Marshall in *Osborn vs. United States Bank*, 9 Wheaton, 860.)

It is insisted that the power to regulate commerce by railroads would exempt the property of corporations authorized and regulated by Congress from State and municipal taxation. The acknowledged power of Congress to regulate and control vessels and steamboats as instruments of commerce has never been held to exempt such vessels and boats from State taxation, and it is not perceived that the railroads so authorized would stand upon any different footing. The power to regulate commerce among the several States could well be executed by such control over the instruments of commerce as would still leave them subject to the same taxation by State and municipal authority that other like property in the same State is subject, and consequently the constitutional power of Congress over such instruments of commerce would not exempt them from such equal taxation. It may well be doubted whether any State would have the power to impose unequal taxes upon any great line of inter-state communication for the purpose of hindering or preventing the commerce carried thereon.

The committee are of the opinion that Congress has the power under the Constitution to provide by law for the regulation of commerce among the several States, of which railroads are the instruments, so as to secure the safety of passengers and such regularity and system in the running arrangements and connections as to secure the most prompt transportation of passengers and freight.

The question of the constitutional power of Congress to regulate the rates of fare and charges for freight is one of very great importance and of difficult solution; it has been held by the courts with great uniformity that no State has the power materially to change the rights of a railroad corporation as conferred by the charter after the charter had been accepted and acted upon unless such right has been reserved by the legislature at the time of granting of the charter, and it is contended that a State legislature would not have the right to regulate the rates of fare and charges for freight unless such right was reserved at the time the charter was granted. The reason upon which this claim is based is found in the tenth section of the first article of the Constitution of the United States, "No State shall pass any law impairing the obligation of contracts." This prohibition is upon the States alone by virtue of the Constitution of the United States. If, therefore, Congress has the power, as we believe, to regulate commerce among the several States as carried on over railroads connecting two or more States, then it follows necessarily that if the rates of fare or charges over any portion of the continuous lines of railroad running from one State to another imposed by State authority should be so high as to be a substantial obstruction to commerce among said States, Congress would have the constitutional right to regulate such rates of fare and charges for the purpose of removing such obstruction, and this not because Congress would have any right to pass any law impairing the obligations of contracts, but because Congress might declare any contract by which a State had granted power to a corporation substantially to obstruct commerce among the States as illegal and void, while the State which has made the contract might be prevented by the Constitution from passing any law impairing the obligation of such contract; that this power of Congress depends wholly upon the power to regulate commerce among the several States and could only be exercised when necessary to prevent or remove obstructions thereto.

The power to regulate the rates of fare and charges for freight on boats and vessels has not been exercised by Congress, and one reason why the necessity has not arisen for the exercise of this power may doubtless be found in the fact that no corporation has had the power to monopolize any of the rivers or navigable waters of the country so as to destroy the fullest and freest competition in the carrying trade, which of itself would prevent the rates of fare and charges

from being placed at so high a rate as to become a substantial obstruction to commerce.

The fact is different in relation to the great lines of railroads. The great cost of the roads, and the necessity which exists for a combination of capital to build them, and the fact that only those can engage in any competition for this trade who have control of the necessary capital to build the roads, prevents to a great extent such competition as will properly regulate the rates of fare and charges. In the case of some of the most important lines the amount of money required to build and equip them has been so vast as to be utterly beyond the reach of private enterprise, and they have only been built by the aid of the national government, afforded either in the shape of direct subsidies of money or bonds of the United States, or in large grants of valuable lands. In relation to these roads it is manifest that competition alone cannot be at all relied upon to insure such reasonable rates of fare and charges as shall not be burdensome to commerce. One other fact, now patent in the history of the railroads of the country, shows that it is impossible that Congress can possess the power to regulate commerce among the States without having, as a necessary incident thereto, the right to supervise the rates of fare and the charges for the transportation of freight, in case the same should be fixed so as to become an obstruction to commerce among the States. The great railroad corporations do possess the power and the will to absorb the lesser competing lines by purchasing a controlling interest in the stock and consolidating the stock and franchises of the smaller company with the larger; each consolidation safely accomplished adds to the power of the corporation to absorb other roads until competition is not only entirely destroyed, but rendered impossible in the future. These vast consolidated corporations have the power to crush out all competition and to fix upon such rates of fare and charges for the transportation of freight as they please to impose, however oppressive to the community and burdensome to commerce, unless the power to regulate commerce among the States includes the power to supervise the charges which may be imposed upon such commerce.

The committee are of opinion that Congress has not the constitutional power to legislate in relation to railroads which do not form parts of continuous lines extending from one State to another. It has long been settled that Congress has power to prevent the obstruction of any navigable stream which is a means of commerce between any two or more States, (*Gibbons vs. Ogden*, 9th Wheaton, p. 191; *Corfield vs. Coryel*, 4th Washington C. C. R., p. 378; *Gilman vs. Philadelphia*, 3d Wallace, p. 724;) but it is held otherwise in relation to a stream that is wholly within any one State and unconnected with the navigable waters of another State. (*Veazee vs. Moore*, 14th Howard, p. 468; *Wilson vs. Blackbird Creek Marsh Company*, 2d Peters, p. 251.)

The committee are instructed, if, in their opinion, Congress has the power under the Constitution to provide by law for the regulation and control of railroads extending from State to State, to report a bill which will secure—

First. The safety of passengers;

Second. Uniform and equitable rates of fare;

Third. Uniform and equitable charges for freight or transportation;

Fourth. Proper connections with each other as to transportation of passengers and freight.

The committee respectfully report that they have not the power at the present time to report such a bill, for want of the necessary information upon which to act. They are not now advised what plan of constructing cars, what kind of material to be used in their construction, what mode of lighting and warming the cars, will best secure the safety of passengers, nor what specific changes should be made to secure a proper system of regularity and uniformity in their connections of the various roads; that, in the opinion of the committee, such a bill should only be prepared after a full and careful investigation of the whole sub-

ject, and the examination of persons of competent skill and experience to give reliable information upon the subject. In the British Parliament the information essential to proper legislation in relation to the management of railways and the proper construction of engines and cars, is sought by the appointment of select committees to make the necessary investigation, and take the necessary evidence. The reports of these committees of Parliament have been the basis of the legislation upon the subject, and have been the means of securing a much greater degree of safety for passengers, and promptness and efficiency in the transmission of merchandise.

VIEWS OF THE MINORITY.

The minority of the committee submit the following as their views :

A minority of the committee, being entirely unable, after mature deliberation, to concur in the views and conclusions of the majority herein ; and believing it to be our imperative duty to express explicitly and somewhat at length the grounds of our dissent therefrom, we beg leave to submit the following views :

The resolution of the House, to which the report of the majority is a response, does not in terms embrace the great questions of the power of Congress to create corporations for the construction of railroads running through States, and to control them by congressional legislation ; but it clearly does, incidentally and legitimately, involve them ; and, therefore, to make the presentation of our objections more full and complete, we will proceed upon the assumption that these questions, as well as those specifically referred to in the resolution, now demand proper consideration. We do this the more unhesitatingly because several bills proposing the direct incorporation of railroad companies by acts of Congress, with novel and remarkable powers and franchises, have already been referred to this committee, and a favorable report has been ordered by the committee on at least one of them and may be upon others. We refer to House bill 621, " to authorize the building of a postal and military railroad from Washington, D. C., to the city of New York," and House bill 470, " to authorize the building of a railroad from Washington city, D. C., to connect with the Northern Central railroad at or near the State line between Pennsylvania and Maryland," and other bills and propositions of similar import.

These several bills and propositions, viewed together, rest upon the novel and grave assumption that Congress possesses the constitutional power to create corporations generally, the theatre of whose operations and business shall be some State or States of the Union, and to confer upon corporations already created by State authority such additional privileges and franchises as Congress pleases, inconsistent with those conferred by the State, or to take from such corporations any privileges and franchises granted to them by the States ; and, in short, carrying the theory of these bills to its logical results, to take under federal control our vast and unparalleled system and network of telegraphs, railroads, canals, and other chartered highways, which have sprung into such rapid existence under the fostering care and energies of State authority as to constitute the greatest achievement of the age.

First, then, we will inquire concerning the power of Congress to create corporations. No such power is expressly granted. It is not claimed by any intelligent public man to have been so granted. The history of the Constitution shows that a proposition to confer upon Congress, by appropriate words, such power, was rejected by a very large majority in the constitutional convention. (See Elliot's Debates, vol. 5, page 543.)

Alexander Hamilton, in his great argument, in 1791, on the right of Congress

to charter the United States Bank, conceded the entire absence of any express or substantive grant of such power in the Constitution; but he claimed that the right existed as an incident to other powers which were expressly granted, and that it could only be rightfully exercised in those cases in which such a corporation was a necessary and proper means or instrument for the execution of such expressly granted power. As Congress was expressly empowered to levy and collect large revenues and borrow money for the uses of the government, he insisted that it might create a great financial corporation as a necessary and proper *instrument* to aid in the administration of its finances.

In the great case of *McCulloch vs. The State of Maryland*, (4 Wheaton, p. 411,) which involved the question of the validity of the charter of that bank, Chief Justice Marshall, in 1819, speaking of the alleged power of Congress to create corporations, said :

The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are *expressly* given if it be a *direct* mode of executing them.

In 1824 the same great jurist, in the case of *Osborn vs. United States Bank*, (9 Wheaton, p. 860,) speaking of the alleged power of Congress to create corporations generally, said :

It has never been supposed that Congress could create such corporations. The whole opinion of the court in the case of *McCulloch vs. The State of Maryland* is founded on and sustained by the idea that the bank is an *instrument* which is necessary and proper for carrying into effect the powers vested in the government of the United States.

In perfect harmony with these judicial decisions are the opinions of every other enlightened jurist or statesman in our country's history, except many of the early fathers, who earnestly insisted that these interpretations gave too much power to the federal government and exceeded the limits of safety and sound construction. In our judgment, they go to the verge of reasonable and just construction, and ought never to be extended further. We affirm, therefore, that Congress has no power to create any corporations, except such only as are necessary and proper, or constitute a *direct* mode for the execution of some *expressly* granted power. Such cases are fortunately very few. The domain of congressional power does not extend to or require the creation of private corporations or monopolies to be controlled by the federal government and destroy the rightful jurisdiction and vitality of the States.

Then where does Congress obtain the right to enter a State and tamper with her corporations, and entice them by the promise of privileges and franchises denied them by the State on grounds of domestic policy, or drive them by the threat of a diminution of those privileges and franchises, to desert their allegiance and repudiate their obligation to the State, and seek protection under the ampler wing of the federal government? To justify the exercise of such great and dangerous powers within the States and in defiance of their constitutions and laws, those who assert their existence ought to be able to point to some clear and explicit grant of them in the Constitution. This cannot be done. They are driven to seek refuge in construction, in implication, which is itself always dangerous, and ought to be vigilantly guarded against by the legislator. We do not mean to assert that implied powers do not exist, or that they are not sometimes highly beneficial, but rather that they should never be appealed to or exercised except in aid of some expressly granted power.

We now proceed to consider some of the results of such measures, which will be found to be more intolerable than the assumption of the power itself. The laws of Congress, constitutionally enacted, become the supreme law of the land. When Congress rightfully creates a corporation, or, what is the same thing in principle, confers new privileges and franchises on State corporations to be exercised under federal authority and protection, such laws necessarily override all

State legislation, and such corporations become *means* or *instruments* of the federal government in the execution of some of its expressly granted powers. Such corporations, with all their property, are thus, by the greedy hand of federal power, snatched from the rightful control of the States and subjected to the exclusive management of the former. If the States are thereafter allowed to exercise any control whatever over them for taxation of their property or otherwise, it can only be done by gracious *permission* of the central government. The corporation called the United States Bank was such an *instrument*, and the Supreme Court have repeatedly announced these principles in connection with it, and have expressly held it beyond the power of the States to tax it or its property. The language of that tribunal, from the pen of Chief Justice Marshall, presents these propositions in a most forcible and unmistakable manner. We will quote a few paragraphs :

It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments as to exempt its own operations from their own influence. This effect need not be stated in terms. It is so involved in the declaration of supremacy, so necessarily implied in it that the expression of it could not make it more certain. * * * *All subjects over which the sovereign power of a State extends are objects of taxation; but those over which it does not extend are upon the soundest principles exempt from taxation. This proposition may almost be pronounced self evident.* * * * The sovereignty of a State extends to everything which exists by its own authority or is introduced by its permission; but does it extend to those *means* which are employed by Congress to carry into execution powers conferred on that body by the people of the United States? We think it demonstrable that it does not. * * * We find, then, on just theory, a total failure of this original right to tax the *means* employed by the government of the Union for the execution of its powers. The right never existed, and the question whether it has been surrendered cannot arise. (*McCulloch vs. The State of Maryland*, 4 Wheaton, 427.)

The same doctrines are reaffirmed by the same court in the subsequent case of *Osborn vs. United States Bank*, (9 Wheaton, 283,) and in many other cases. They all rest upon the theory that these corporations, thus created or endowed by the federal government, become instruments, as it were, in the hands of that government, and that to suffer them to be taxed at all by the States would be equivalent to allowing them to tax the machinery of the government itself, and that if the States had the power of such taxation they might abuse it, might tax such instruments out of existence. Hence the denial of the power.

In other words, Congress having no power to create such corporations except in cases where they are a proper and necessary instrument for the execution of some granted power, when they are created they at once become totally exempt from all control save that of the creating power; and to admit that they were subject to any other control in the important matter of taxation would be to endanger their very existence. Because, if the States could tax them at all without the consent of the general government, they could tax them as much or as little as they please, and they might please to impose such burdens upon them as would wholly defeat their objects. The States might then discriminate against them and in favor of their own corporations, and thus drive them out of existence. It was upon such reasoning and arguments the Supreme Court held 30 years ago, and has ever since held, that such corporations, like the bonds of the federal government, are entirely exempt from State and municipal taxation.

Now, apply these principles to federal railroad, canal, telegraph, and other corporations. If the power to create them exists, the power to control them follows. Then what becomes of the sacred and boasted rights of the States to control their internal affairs and commerce?—to raise revenue to pay the expenses of their government by taxation of all the property of their citizens, whether individual or corporate? They have wasted away under the absorbing power of the central government. Their judicial tribunals are stripped of half their jurisdiction. The great aggregations of wealth in the States, brought into existence by their efforts, and often in part by their means, are added to the

great central power to augment its patronage and all-pervading influence and endanger the liberties of the people and destroy our glorious system of government. If Congress can enact such laws as the one to which I have particularly referred, it can, by parity of reason and under the same authority, enact laws and charters which will give it absolute and sovereign control over all our great works of internal improvement. It can thus acquire, in like manner, the like control over a large portion of the territory of the States without their consent.

Does the Constitution afford a shadow of authority for such enactments? It says, in section eight of article one, that Congress shall have power—

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of Congress become the seat of the government of the United States; and to exercise like authority over all places purchased by the *consent of the legislature of the State* in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

It appears, therefore, that it is the intention of the Constitution that the United States shall acquire no title to or jurisdiction over any portion of the soil of a State without the consent of the legislature thereof. And this has been the practice of the government ever since its organization. It has never attempted, in a single instance, to do otherwise, except during the late war, when its acts in this particular were dictated by an overruling necessity which can supply no precedent for times of peace. Whenever the United States has desired to occupy any part of the soil of a State for court-houses, navy yards, or other national purposes, it has first procured the consent of the State by a solemn act of State legislation, expressly ceding jurisdiction to the United States over the desired territory. When it was thought desirable to construct a highway to connect the waters of the Chesapeake and the Ohio, Congress would not permit the Cumberland road to be constructed until the consent thereto of the States of Maryland, Virginia, and Ohio was expressly granted. James Monroe, in his great constitutional argument which accompanied his veto of the Cumberland road bill in 1822, held that Congress has exclusive control over the revenues of the government, and may appropriate them to aid in the construction of internal improvements, but has no power itself to construct any such improvements, because *to do that involved the exercise of territorial jurisdiction which belongs to the State alone*. There is nothing better settled in American law than that the right of eminent domain is in the States. The right to control the territory within the several States belongs to the States alone.

But we are told that Congress can create corporations to build great highways wherever it pleases, and can take charge of those already created by the States, and under one pretext or another divest the States of their original and unquestionable control over the same, and of their right to tax them, or to regulate the manner in which they shall enjoy their franchises, or carry on their business, or answer for their wrongful acts towards their citizens. This kind of legislation will inevitably rob the States and the people of their most precious and invaluable inheritance—the right of local self-government. No evil ruler on earth could devise a more appropriate or cunning plan for the attainment of such a result.

A brief contemplation of the extent, wonderful growth, and vast expense of the railroads alone may afford some aid in an attempt to appreciate the infinite dangers which would result from committing them to the control of the central government. In the first half of the year 1830 there were no steam railways in our country. In 1840 only 2,167 miles existed. Now over 37,000 miles are in complete operation, at a cost in construction of about \$2,000,000,000. In addition to this completed extent there are, by estimate, about 18,000 miles in process of construction. The commerce and trade which are more or less facilitated by this extraordinary net-work of railroads, and the great multitude of persons who thus find compensatory employment, render our system of railroads

a handmaid to every other pursuit known to our people. It pervades, influences, and promotes the welfare of every section, farm, and workshop in the republic. It has attained its present magnificent proportions with no guide but the unparalleled enterprise and intelligent self-interest of the people. It has had in the main no protection except from the States, and no aid except from individual wealth, with occasional government subsidies. It has multiplied the taxable values of the country many times. It contributes immense sums to the revenues of the State and federal governments. It is managed with greater skill, economy, and success than under federal superintendence it could ever attain. The local governments of the States can afford such legal direction, regulation, and control as it demands with greater wisdom and better results than any other government on earth. If such vast interests and investments were committed to the control of the federal government, they could not fail to accelerate the growth of corruption in connection with federal legislation, and hasten the development of centralism, the greatest danger that now threatens our country.

We invite attention, in this connection, to the decision of Justice McLean in the *United States vs. The Railroad Bridge Company*, (6 McLean R., p. 517.) The right of eminent domain in the State is held by Judge McLean to extend to public lands of which the title is still in the United States, so far as to enable the State to authorize the acquisition of easements over it in the construction of common highways, or railroads and canals. He says :

This power is exercised by a State, subject to no power vested in the federal government. The proprietary right of the United States can in no respect restrict or modify this exercise of the sovereign power by a State. It is essential to the welfare of the citizens of the States that this power should be exercised. So far as easements, by establishing public roads, are concerned, within a State, by its legislature, *the jurisdiction is exclusive*.

And we cannot forego the duty of further citing the pith and substance of the opinion of the Supreme Court in the celebrated case of *Pollard's Lessee vs. Hagan*, the "Alabama case," (3 Howard, p. 224.) It is very strongly in point, and covers the great question of State rights over its own territory in such matters. The court say :

When Alabama was admitted into the Union on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

The federal government has no right to acquire any territory or jurisdiction in a State, except for purposes authorized in the Constitution, and then it must be obtained with the express consent of the State, not taken, appropriated by force, or conquered from the State.

It is urged by the majority that, if Congress has not the constitutional right to go into States and exercise these great powers, then no consent of the States can confer such right. We agree that the States cannot confer new or original powers on Congress, except by constitutional amendments ; but it by no means follows that the States may not cede either territory or jurisdiction to the federal government to such extent and for such purposes as are proper or necessary to enable the latter to execute its granted powers. The right to do these things is expressly recognized by the 17th clause of the 8th section of the 1st article of the Constitution ; and the uniform practice of the government ever since its organization should be held now to have forever settled its true construction on this point. It is believed that every acquisition by the federal government

heretofore of territory or jurisdiction in a State has been made with the express assent of the State.

We must not omit to call attention to some of the remarkable powers proposed to be conferred on these railroad corporations. In House bill 621, for example, the company is authorized "*immediately* to enter upon, take possession of, and use all such real estate and property as may be necessary for the construction, maintenance, and operation of said railway, and the accommodations requisite and appertaining thereto." But the company is kindly required *afterwards* to purchase such property "at a price to be mutually agreed upon." "And, in case of a disagreement as to price, and before the final completion of said railway and its appurtenances, the said corporation, or the owner or owners of such real estate or property, shall apply, by petition, to the justice or justices of the supreme, circuit, or district court of the United States having jurisdiction in the State or locality in which said real estate or other property may be situated, particularly describing the same;" and said justice is then required to conduct or direct various expensive and cumbersome proceedings, which are expected to result in the transfer of title from the individual owner to the company. Thus the citizen is compelled to seek his remedy, not in the courts of his own State, where his rights may be adjudicated in tribunals of his own choice, but in some remote federal court, where its vindication may cost more than his relief is worth.

It is further provided that said railroad company may exempt itself from all liability to answer in the tribunals of the State for wrongs done to its citizens, by at once removing from the State court to the federal court any action instituted against it in the former, and compelling the citizens of the State to abandon their just demands, or follow it into the latter court, which in many cases is equivalent in its results to a denial of justice.

But it seems to be the singular policy of this bill to require that, if any injury shall be done by any individual to the property of the company, the company or the government may prosecute him therefor in the local courts or in the federal courts, at its election, and compel him to defend where it pleases.

The Constitution of the United States declares that private property shall not be taken for public use without just compensation. The constitutions of most of the States declare that private property shall not be taken for public use, or *quasi* public use, as for railroads, without just compensation *first made or tendered*. But these most valuable guarantees seem to interpose no obstacles to the power of Congress. It has been decided that the payment must be made or securely provided for, *as a condition precedent to the appropriation of the property*. (*Bonaparte vs. Camden R. R. Co.*, 1 Baldw. R., 205, 218.) These bills are so framed as to require no respect whatever to be given by the companies to the safeguards provided by the people of the States for the property of their citizens.

These facts sufficiently indicate the novel and most alarming nature of the propositions contained in this series of bills, and we shall quote no more from their particular provisions, but only consider the principles involved in them. They claim for the federal government the right to go into the States, and against their laws and constitutions to authorize the construction of railroads, canals, and telegraphs; to run wherever Congress may direct; to acquire rights of way in and title to the soil of the State, and to carry on their business within the State without regard to and in defiance of the laws thereof. They claim for the federal government, also, the right to confer upon such corporations, created by the State, new and extraordinary powers, in direct violation of State authority. Such legislation, if sustained by the federal courts, (which we do not believe to be possible,) would lead inevitably to the complete subversion of the rightful control of the States over their greatest material interests, their internal policy and commerce, and their citizens and property. The general government could

thus wrest from the States and assert for itself the absolute and sovereign control over the vast accumulations of capital, and influence, and power embraced in the great systems of internal improvements which have been hitherto established and managed by the States, for the advancement and development of their own interests, and which have become, under their generous care, without federal aid or interference, after long years of struggling, most fruitful sources of prosperity to their people and of needful revenue to themselves.

It is claimed by the friends of these measures that Congress obtains the requisite power to enact them as an incident to the express power "to establish post offices and post roads," and to regulate commerce "among the several States."

If it can ever be said in this country that the interpretation of a constitutional provision is *settled*, then it may now be said of the power to establish post roads. It has been the uniform practice of the government to carry its mails over the highways of the States—to make them "post roads" to the extent of their common use by its mail carriers—but *never* to open up and construct great highways for the purpose of facilitating the transmission of the mails. Mails never precede, but always follow, the opening up of a country and of its highways, and if they are rude and imperfect at first, the demands of the people are relatively few and simple. As society advances, and population and intercourse increase, improvements in the facility and manner of transportation keep pace with them. Hence, the general government has hitherto come after, and not gone before these improvements in the extension of its mails. Shall it change this policy now, when the country is everywhere covered with a network of highways and railroads, and the people and States are everywhere inviting it to make them "post roads?" Shall it now enter into the business of constructing railroads and canals in order to provide ways over which to carry its mails? Is it necessary for it to usurp the control of the railroads and highways, established and constructed under the auspices of the States, in order to protect its postal service? These railroads and many other highways are *private* property.

It was thought necessary by the framers of our Constitution to insert an express provision to enable the United States to exercise absolute jurisdiction over ten miles square for a seat of government, and over such places as should be ceded by the States for forts, arsenals, and other purposes. It would seem incredible that such solicitude should have existed about such inconsiderable spots, and yet that those great men should have been willing to confer the power to construct all kinds of highways throughout the country, with the consequent right to take great portions of the soil of the States and exercise exclusive jurisdiction over the same. There does not now, and never did, and never can, exist a shadow of necessity or rational pretext for the inauguration of such a system. If inaugurated it could not fail, sooner or later, to prove fatal to the well-being of both governments. But if I concede the power to build a highway for a "post road" it does not follow that Congress may create great corporations, with millions of capital, to erect all kinds of highways in the States for private gain, to be subject to the exclusive control and jurisdiction of the United States. It requires a most liberal charity not to believe that private gain, and not the interests of the postal service, is the inspiring motive in these measures. The power asserted in this series of bills to do these things is wholly unparalleled in the history of our government. Why are they attempted now? Is it not done to subordinate the States more completely to the powers in this Capitol?

Does the power to regulate commerce "among the several States" authorize this kind of legislation? It is claimed that it does. This power has been the subject of frequent and elaborate discussion in the courts of the country, and it has received judicial interpretation in many cases. If the word *commerce* in

this provision is to receive its largest and most comprehensive signification, then, indeed, the argument is with the friends of these measures, because thus defined it embraces nearly all the transactions and intercourse between human beings in society. But this definition has never been claimed or approved by any court or intelligent citizen. It has always been held to refer only to those public and business transactions and relations which affect the citizens of different States in their intercourse with each other. Many of the laws of a State may affect commerce in a greater or less degree and yet not be in conflict with the power of Congress.

Commerce is traffic in intercourse, not railroads, telegraphs, or highways. The regulation of commerce is one thing, and the creation of means to facilitate it, or call it into being, is an entirely different thing. The regulation of commerce does not require the incorporation of companies with vast powers and franchises. It is to prescribe the rule by which commerce is to be governed. (9 Wheat. R., 196.) It has nothing to do with the terms upon which one person engaged in aiding commerce, traffic, or intercourse shall co-operate with another. It has still less to do with the rates of fares or freights which shall be exacted by the agents of commerce. All such matters are proper subjects of private contracts. In the very nature of things, it is impossible for Congress to regulate such interests as wisely as the State may do.

The majority say :

A very material and essential object of this power was the relief of those States which, from their peculiar geographical position, must import and export through other States, from the improper contributions which might be levied upon them by the latter. Were the several States at liberty to regulate the question between State and State, means might be resorted to to load the articles of export and import during their passage through their jurisdictions with imposts which would fall with peculiar severity on the citizens of the interior States.

Has any State ever attempted to burden inter-State commerce with such imposts? The Constitution declares that, "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another." This is a limitation on the power of Congress in favor of free trade and equality of commercial rights between the States. The Constitution also declares that, "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage." This is a limitation on the power of the States in favor of free trade and equal commercial privileges between the States. If a State desired, therefore, to impose any such burdens, "any imposts, or duties on imports and exports," it would be compelled to appeal to Congress for consent, and then Congress, if it gave consent, would exercise its power "to regulate commerce among the States." If such consent were given and such commerce regulated by Congress, the "net produce" thereof would go into the federal treasury, and the State would take no advantage therefrom. If any State should attempt to impose any such burdens without the consent of Congress, the remedy of the citizen would be clear and adequate. He could refuse to submit or pay, and appeal to the courts. Remedies against such legislation have often been asserted in this manner in the history of the country, and many times with success. No legislation by Congress seems now demanded to facilitate or secure such relief.

Has Congress ever attempted to regulate the rates of fares and freights, or

the manner and terms upon which the agents of commerce shall co-operate, in connection with internal or external commerce carried on by American citizens either upon the oceans or upon our inland navigable waters? If the right exists in the one case, it does in the other. The common sense of mankind would condemn any attempt to do so as transcending at once the powers of Congress and the proper bounds of just civil government. All such legislation could only tend to embarrass commerce, to cripple or destroy the very freedom intended to be secured by the provisions cited, and to increase the subjects of congressional control to the manifest injury of the people and the country. We cannot doubt that this constant tendency to enlarge the scope and extent of federal power is violative of the true theory of our government, and gives rise to the greatest dangers that threaten the future peace, harmony and prosperity of our country. The wisdom and beneficent results of congressional legislation seem to be augmented in the same proportion in which the subjects of such legislation are reduced and kept within the clear limits of a strict construction of the Constitution.

This provision giving power to regulate commerce among the States was designed to secure to the States a complete equality in commercial rights. No state has the power by her laws regulating her internal commerce, or the transaction of commercial business over her great public or corporate highways, to impose restrictions or burdens upon the citizens of one State which she does not alike impose upon those of all the States. She cannot discriminate against any State or section, but her laws and regulations must affect all alike who come within their operation.

In the case of *Gibbons vs. Ogden*, (9 Wheaton, 13,) Chief Justice Marshall, in speaking of the right of a State to enforce its inspection laws, says :

They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the general government; all which can be must advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass.

In many other decisions by the same court, substantially the same language is employed, and the same doctrine held. There is believed to be no opinion, in the entire range of State and federal decisions, which is inconsistent with the one expressed by Judge Marshall. And not one of the great statesmen of our country has ever put on record a contrary opinion. In that great argument submitted by Mr. Hamilton to President Washington, already referred to, he, the great leader of the latitudinarian school of statesmen, denied to the general government all authority to make any work of internal improvement requiring the appropriation by it of any part of the soil or territory of the States without their consent. Thomas Jefferson, another of the great sages of the republic, seems to have been sadly behind the learning of this age. He, too, always denied the existence of any such power, and, in a message to Congress, recommended the proposal of a constitutional amendment for the adoption of the States, expressly granting it. Mr. Madison, too, unsurpassed in wisdom and practical statesmanship, and the zealous friend of railroads, canals, and other improvements, was equally confident that this power did not exist, and could not be exercised without the aid of an amendment. Albert Gallatin, scarcely inferior to any in the great qualities of the early fathers, in his masterly report to Congress, in 1808, reviewing this whole subject, used the following language :

The manner in which the public moneys may be applied to such objects remains to be considered.

It is evident that the United States cannot, under the Constitution, open any road or canal without the consent of the State through which such road or canal must pass. In order, therefore, to remove every impediment to a national plan of internal improvements, an

amendment to the Constitution was suggested by the Executive [referring to Mr. Jefferson] when the subject was recommended to the consideration of Congress. Until this be obtained, the assent of the State being necessary for each improvement, the modifications under which that assent may be given will necessarily control the manner of applying the money.

Justice McLean, of whom it is not unjust to say that he was the foremost of our federal judges of his time in the liberal construction of the powers of Congress, in his opinion in the Rock Island Bridge case, 6 McLean, 524, referring to the powers in question, said :

Under the commercial power Congress may declare what shall constitute an obstruction or nuisance by a general regulation, and provide for its abatement by indictments or information through the Attorney General; but neither under this power, nor under the power to establish post roads, can Congress construct a bridge over navigable water. This belongs to the local or State authority within which the work is to be done. But this authority must be so exercised as not materially to conflict with the paramount power to regulate commerce.

If Congress can construct a bridge over a navigable water under the power to regulate commerce or to establish post roads, on the same principle it may make turnpikes or railroads throughout the country. The latter power has generally been considered as exhausted in the designation of roads on which the mails are to be transported; and the former by the regulation of commerce upon the high seas, and upon our rivers and lakes. If these limitations are to be departed from, there can be no others except at the discretion of Congress.

We might multiply such great authorities as these, but it cannot be necessary. These great men were at the birth of our republic, and, guided and protected by their wisdom and patriotism, it grew great and powerful, and inspired mankind everywhere with new hope, and furnished them a great example. If it is competent for the human mind to comprehend the just meaning of language or the true intent of law, it must be that that capacity was possessed by these men. Their interpretations are almost equal as authority to the highest judicial decisions. The representatives who, having sworn to support the Constitution, should make them their guides as to its true meaning, could not go far astray, and would certainly shun the wild chimeras and crotchets and mere partisan dogmas of this day.

We will yield to the temptation to refer to one other decision of our Supreme Court, (*Veazie vs. Moor*, 14 Howard's Reports, 573,) because it is the latest, having been made in 1852, and is the *unanimous* judgment of the judges then on the bench of that court, who were Chief Justice Taney and Justices McLean, Wayne, Catron, Daniel, Nelson, Grier, and Curtis. In discussing the power of Congress to regulate commerce with foreign nations and among the several States, the court says :

The phrase can never be applied to transactions wholly internal, between citizens of the same community, *or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community.* Nor can it be properly concluded that because the products of domestic enterprise in agriculture or manufactures, or in the arts, may ultimately become the subjects of foreign commerce, the control of the means or the encouragements by which enterprise is fostered and protected is legitimately within the import of the phrase *foreign commerce*, or fairly implied in any investiture of the power to regulate such commerce. A *pretension* as far reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce, *and be borne either by turnpikes, canals, or railroads from point to point within the several States*, toward an ultimate destination, like the one above mentioned. Such a *pretension* would effectually prevent or paralyze every effort at internal improvement by the several States; for it cannot be supposed that the States would exhaust their capital and their credit in the construction of *turnpikes, canals, and railroads, the remuneration derivable from which, and all control over which, might be immediately wrested from them, because such public works would be facilities for a commerce which, while availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign.*

The rule here given with respect to the regulation of foreign commerce *equally excludes from the regulation of commerce between the States and the Indian tribes, the control over turnpikes, canals, railroads, or the clearing and deepening of watercourses, exclusively within the*

States, or the management of the transportation upon and by means of such improvements. The design and object of that power, as evinced in the history of the Constitution, was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions which local jealousies or local and partial interests might be disposed to introduce and maintain. These were the views pressed upon the public attention by the advocates for the adoption of the Constitution, and in accordance therewith have been the expositions of this instrument propounded by this court.

These views and authorities constitute a triumphant and authoritative refutation of the whole system of legislation to which we refer. Their statements are so clear and reasonable as to challenge the most careful consideration, if not to elicit the approval of every unprejudiced mind.

It is not possible, if the history of our country has any value or contains any truth, that it was ever intended by the framers of our federal Constitution, who were at the same time pioneers and equally interested in the organization of our State governments, that the former should ever attempt to take the management of or legislate for the private and local affairs and interests of the people in the States. Such policy is everywhere deprecated and denounced by them as most dangerous to the best interests of both governments. They have always, and with singular unanimity and tenacity, insisted that the chief element in our system of government, which at once combines safety to liberty and great strength, is that of a well-defined and faithfully observed division of powers between the general and the local governments. It was their most cherished aim to establish firmly and to observe faithfully this division. We cannot cultivate a sounder or more beneficent policy. Let us devote the energies of this general government to its appropriate duties; to the wise superintendence of those general interests which pertain to and can be best administered by it; to its vast external affairs. In opposition to all these authorities, the learned author of the report of the majority has been able to cite but a single direct judicial opinion, and that opinion, just so far as it sustains his positions, is an *obiter dictum*. We refer to the case of *Gray vs. The Clinton Bridge et al.*, American Law Register, for January, 1868, page 149, decided by Justice Miller, of the Supreme Court, on the Iowa circuit. The court in that case was required to pass upon the validity or invalidity of the act of Congress of February 27, 1867, (16 U. S. Statutes, 412,) and nothing more. The general questions involved in this discussion were not presented to the court at all for adjudication in that case. The single question which demanded decision in that case was the right of Congress to authorize the construction of railroad bridges across the public navigable rivers of the United States. It did not touch the great question of the power of Congress to invade the eminent domain of a State, and appropriate her soil without her consent, either to erect bridges or railroads. The legitimate scope of that decision is made apparent by an examination of the material section of the act referred to, which reads as follows:

SECTION 1. * * * That the bridge across the Mississippi river erected by the Albany Bridge Company and the Chicago, Iowa, and Nebraska Railroad Company, *under the authority of the States of Iowa and Illinois*, between the towns of Clinton, Iowa, and Albany, Illinois, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, than the rate per mile paid for their transportation over the railroads or other public highways leading to the said bridge.

It thus appears that all rights of eminent domain, or rights to enter upon and appropriate the soil on either side of the river necessary for the erection of the Clinton bridge, were obtained by direct grants to the companies interested from the respective States having jurisdiction over the same. The only question that remained, therefore, for the court to settle was, the right of Congress, under the power to regulate commerce, to legalize the erection of the bridge over the river. The river is a natural highway; it is held to come within the admiralty and maritime jurisdiction of the United States, and, therefore, to be subject to the control of Congress as to the manner in which structures or obstructions of

any kind may be placed over it. This limited power, upon the authorities and for the purposes of this argument, is conceded. Justice Miller, acting on these authorities, held, in the case under consideration, that :

The act of Congress of February 27, 1867, (16 United States Statutes, 412,) declaring a bridge erected by a railroad company across the Mississippi river at the city of Clinton, in the State of Iowa, "a lawful structure and a post route," is constitutional and valid ; and under it the circuit court of the United States will dismiss a bill to procure the abatement of the bridge as a nuisance, based on the ground that it presents a serious obstruction to the navigation of the river, although the suit for this purpose was pending at the time the act of Congress was passed.

When the learned justice had decided the case as above stated, his duty was done, but he did not consider it his duty to go no further. He proceeded to express other views on the general powers of Congress over inter-State commerce, and said :

For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of inter-State communication, or to authorize the creation of such roads, when the purposes of inter-State transportation of persons and property justify or require it.

This does not attain the dignity of a judicial decision. It is only the personal opinion of an intelligent lawyer. We give due consideration to the high position of its author, but cannot concede to it the weight of authority. In our judgment, all the vast interests connected with the railroad transit of the country can be much more wisely and effectively regulated and protected by State authority. Many present regulations are imperfect, many excesses are practiced by railroad companies, and many evils need to be corrected. But when the recent origin and wonderful growth of the system of railroads is considered, it is matter of greatest surprise that all these evils are not more grievous than they are. It cannot be doubted that, in the early future, if left to the sole and rightful control of the States, these defects will be removed to a great extent. It is not in the power of any human government to regulate such vast interests in such way as to secure absolutely just results under all circumstances. They can only approximate such results. But more effective relief will probably be derived from healthful public sentiment and intelligent self-interest between the people and the proprietors of these great highways than from congressional legislation.

The author of the majority report appreciates the fact that some obstacles exist in the nature of corporate rights and franchises, and the obligation of contracts, which might prevent the States from making such regulations as are contemplated by the resolution referred to the committee, because no State can pass any "law impairing the obligation of contracts." But he assumes that, "this prohibition is upon the States, not upon the United States." Is this true ? It impresses us as being a most untenable and dangerous proposition. Is there any line or word of authority to justify the conclusion that the framers of our Federal Constitution intended to empower Congress to pass laws to impair the obligation of contracts ? Are such laws any more tolerable or consistent with justice when enacted by Congress than if enacted by a State ? Is a dishonest act any less dishonest because it was committed by Congress ? All such laws are contrary to the first principles of the social compact, and to every principle of sound legislation. (Federalist, No. 39.) All contracts are property, and the obligation of contracts is property. They are things of value, of the greatest intrinsic value, and therefore constitute property of the most sacred character. The *obligation* of contracts is the *right* which the contractor requires under the contract to have it faithfully performed. It is all the value the contract possesses until it is performed.

And the Constitution says, no person shall "be deprived of life, liberty, or *property*, without due process of law ; nor shall *private property* be taken for

public use without just compensation." If Congress possesses omnipotent authority to impair or disregard the obligation of contracts, then what is the value of this prohibition? What safety exists for the supposed sanctity of the contracts and intercourse between man and man in society? If Congress may impair or disregard the obligation of contracts between a State and her citizens, whenever in its judgment it becomes expedient for the regulation of commerce, or for any other purpose, then how is the power of Congress over all such interests to be restrained? The power of the States over the most important and sacred interests of their citizens, for their regulation and protection, must then be exercised subject to the pleasure of Congress. The right of the States to regulate their own domestic policy in their own way, and to protect their own citizens in their domestic, personal, and fireside rights, interests and contracts, which is the most exalted and invaluable office of civil government, becomes a myth. It cannot be that Congress possesses any more right to impair the obligation of contracts than the States.

We therefore conclude that the measures referred to and proposed cannot be constitutionally enacted by Congress, and ought not to be entertained, and that, if the power existed, its exercise would be inexpedient.

M. C. KERR.

W. H. BARNUM.

POST OFFICE BUILDING IN NEW YORK.

[To accompany bill H. R. No. 1214.]

JUNE 16, 1868.—Ordered to be printed, and recommitted to the Committee on the Post Office and Post Roads.

Mr. FERRY, from the Committee on the Post Office and Post Roads, made the following

REPORT.

The Committee on the Post Office and Post Roads, to whom was referred the subject of a new post office and United States courts building in the city of New York, under letter of the Secretary of the Interior and Postmaster General, and memorial of the Chamber of Commerce of the State of New York, report :

That as to the necessity for a new post office building in the city of New York, adequate to the demands of the present and prospective business of this continental distributing office, your committee have deemed that in great measure determined, from the fact of the purchase by the government of a new site for such building under a resolution of Congress, approved May 16, 1866.

The commission authorized by that resolution, after diligent search and negotiation, were successful in obtaining ample and eligible ground, covering an area of 65,259 square feet—equal to about 26 city lots of 25 × 100 feet, at the lower southerly end of City Hall Park, formed by the uniting thoroughfares of Broadway and Park Row, and terminating along said streets at points upon each 300 feet from the curved line which bounds their junction, a specific diagram of which accompanies this report, and for the nominal sum of \$500,000, which has been paid by the government and title to the ground vested in the United States for the purpose stated. Pending consideration by the committee, objections to the eligibility of the purchased site were presented from various quarters, and while your committee have taken it for granted that the question of site was foreclosed by the formal action referred to by the government, they cheerfully listened to the various objections offered by different parties who appeared before them for that purpose when sitting in said city, and found that all such objections were substantially met by the admissions of each, that no other suitable location within the range of reasonable valuation, with clear title, could be obtainable under ten years. For no other purpose than for a post office and federal courts could the consent of the city have been secured to the sale of this property, and when it is considered that the lowest estimate placed upon its present valuation by the most reliable real estate judges of the city is not less than two and a half million dollars; some placing it above the cost of proposed structure; its purchase for the sum of five hundred thousand dollars may well be deemed an exceedingly fortunate negotiation for the government.

By virtue of a commission appointed under a resolution of Congress, approved January 22, 1867, plans and specifications were submitted for a suitable building for the place and purposes of a United States post office and courts.

In pursuance of this duty said commission formally adopted rules and regu-

lations, specific requisites for the building, including a generous scale of premiums for the four most meritorious plans, all of which, after receiving the approval of the Secretary of the Interior and Postmaster General, were under circular form published and circulated with invitations for general competition in the submission of plans for the selection and adoption of the commission. Fifty-two plans were thus received, thirty-seven of which were at once rejected, the remaining fifteen thereafter reduced to five, each of which covered respective features deemed desirable in the plan finally to be adopted. These five submitted by the several architects Runick & Sands, N. Le Brun, Schulze & Schoen, Richard M. Hunt and John Correjo, were subsequently combined in one, with the essential merits of each, and finally adopted as the plan of the commission, and fully approved by the Secretary of the Interior and Postmaster General. This chosen plan, together with minute specifications and estimates, including perspective designs of proposed completed structure from various points of view, are also herewith submitted.

Under a resolution of the House of Representatives of March 6, directing the Secretary of the Treasury "to have detailed estimates of the cost of the proposed post office and court-house building in the city of New York, according to the plans submitted by the commission, to procure said plans and to report at the earliest moment, with any recommendations in regard to the material and mode of construction he may deem proper," a communication from A. B. Mullett, government supervising architect, was submitted by the Secretary to the House March 30, and printed.

The following is a reply to that communication by the architects whose plans were consolidated into the one finally adopted and approved, prepared for the purpose at the request of the commissioners:

To the gentlemen who have been acting as commissioners on the new post office and United States courts in the city of New York:

GENTLEMEN: At your request we have the honor to submit the following answer to the report of Mr. Mullett, supervising architect of the Treasury Department, in relation to the plans, &c., made by us for the new post office and United States courts in this city, and which have been recommended by your honorable body and adopted by the Postmaster General and the Secretary of the Interior:

We first beg leave to state that the plan of plot originally submitted was corrected by the commission, and a new one, showing the whole plot without a street, issued at an early stage of the competition to the architects who desired to compete. As a proof of this, we may state that the plans sent to the commission occupied the space embraced within the extreme lines, as shown in the last plan of plot.

With regard to the objection to the new post office being extended to the northern boundary of the lot purchased by the government, it is not to be expected that the city would erect another building in the park on the space embraced between the city hall and new post office, and still less would it be erected against the north side of the latter edifice, as Mr. Mullett suggests, for the very sufficient reason that it could not be lighted on the side next to the new post office.

As to the discrepancy in the number of rooms, we would state that although the printed programme calls for 28 rooms for special purposes, it also allows all the other available space to be laid out for rooms which may be required for future use. Most of the designs sent in by architects provided for a greater number of rooms.

It should be distinctly understood that the plans, &c., under consideration have nothing to do with the competition. They were made after the commission

had, during a period of seven months, carefully considered all the designs submitted by the various architects who competed, and had thoroughly investigated, with the aid of the officials, the requirements of the post office department and the United States courts. The commission, after finding that none of the 52 plans submitted combined all that was requisite, selected the five best ones, and invited the authors of these to consult with each other and conjointly make a new design which would embrace all the accommodations required for the post office and United States courts.

This invitation having been unanimously accepted by the architects, the commission appointed a special committee to confer with them in the preparation of the new plans, which were finally approved and adopted. As therefore these plans are extraneous from the competition, the commission had certainly the right, after well maturing the subject, to dictate as to the necessary number of rooms, their distribution and arrangement, leaving to the architects the question as to the style of architecture and the details of construction.

As to the allegation that the undersigned received the sum of \$16,436 22 for these new plans, it is utterly untrue. The commission expended the sum of \$15,000 on the 52 plans received in competition, being equal to an average cost of \$288 46 each, and we believe that most architects who sent in designs will agree with us when we state that the actual cost of execution of each one was more than double that sum, without allowing any compensation for the time and talent expended on them.

With regard to the amount of room required by the New York post office, there can be no doubt that those who live in New York and have carefully examined the enormous and progressive increase of the business of the office are best able to judge of its present and future wants. As a proof that the plan adopted by the commission is correct, we beg leave to refer to the accompanying communication, furnished by the Hon. James Kelly, postmaster of this city, by which it will be seen that the number of clerks at present employed in the departments which would occupy the first floor alone of the post office is 480. The working area of the first floor (including distribution tables and all other furniture) is 30,000 superficial feet, which would allow to each employé 62 5 superficial feet; the employés in the Boston post office have 61.7 superficial feet; the employés in the Baltimore post office have 66.4 superficial feet; the employés in the Cincinnati post office have 70.8 superficial feet; the employés in the Chicago post office have 75.2 superficial feet, according to the table given in the report of the supervising architect. It will be seen by this comparison that the New York post office will require more room at once than can be furnished by the first floor of the proposed building, and that the basement story is imperatively necessary, as the business will more than double in 10 years, and for its further enlargement after that time the third and attic stories will have to be used.

In relation to the drive-way, the commission distinctly, and we think wisely, decided to enclose it, as the wagons would thus be entirely protected during the delivery and discharge of the mail matter and be guarded against all danger from theft. If the drive-way was outside of the building it would be liable to be constantly occupied by vehicles not connected with the post office and thus create confusion. Furthermore, if the drive-way was merely covered by a portico or shed, the whole space above and below it would be entirely wasted, and the building be inadequate to the accommodations required.

This drive-way is lighted by 20 large windows on the north side, two large archways at its ends, and also by a glazed partition along its whole length on the south side. So far as sound is concerned, experience has proved that it can be entirely prevented by the means proposed, and the vibration of the road-way obviated by disconnecting it from the remainder of the building.

With regard to the drops for receiving and delivering mail matter, the plan

shows eleven elevators or drops from the first story to the basement, worked by steam, on the system found to operate satisfactorily in many stores in New York. There are three additional elevators from the first to the fourth story. The word "drop" used on the plan was merely to distinguish the former from the latter, and the platform in which the drops are shown is on a level with the wagons.

The 11 doorways leading from the streets to the post office corridor give an aggregate of 88 feet of ingress and egress, and were deemed sufficient by the commission, but a reference to the plans and elevations will show that we have so arranged the windows that any of them can, if required, be converted into doors, by merely taking out the panels and slip sills shown on the elevations.

There are four main stairways leading to the upper part of the building, all placed in the central pavilions. The stairway from Broadway is at the north end of the public corridor, which is 25 feet wide, and can, therefore, be seen by every person the moment they enter any door on Broadway, and all are lighted by windows from bottom to top. The disposition of the stairways and doors at the south front was intentionally made to prevent the public from congregating at the foot of these principal stairs leading to the upper stories.

The judges of the courts and the United States district attorney, who were consulted in the matter, decided that they did not want private stairs for their accommodation, and in regard to the arrangements of the courts, and the rooms and offices therewith connected, they approved of the trial plan made by us from their instructions, and the plan adopted is similar to it. Ample provision has been made for the judges, the bar, witnesses, and juries, and a space adjoining each court-room has been left for private stairs for the jury if they should be desired at any time.

In relation to the construction of the building, the undersigned were instructed to design it to be thoroughly fire-proof, and we have followed our instructions as Mr. Mullett has done in the north wing of the Treasury building at Washington. The substitution of wood for iron in doors, sashes, bases, shutters, &c., is a matter entirely foreign to the merits of the plan. Of course the cost of the building could be reduced if the government should decide to use wood in place of iron, but we have no hesitation in stating, and we know our opinion will be borne out by all observant men, that though wooden doors may serve the purpose in Washington, owing to its small population and the care observed in watching the buildings, in New York, where a vast concourse of boys and men are constantly loitering or waiting about the post office and courts, they would be defaced and cut to pieces in a short time.

Our arrangement of the glass skylights, as designed at the top of the interior court, we know is correct, according to the most approved methods, in order to keep out the rain and snow from the post office department under them, and at the same time afford free ventilation. The proposed plan for interior ventilation is founded on the system most approved for public buildings, and has received the highest recommendation from the commission specially appointed at the late exhibition in Paris to investigate the subject.

For the support of the interior of the building iron columns are introduced, and properly so, as we were instructed to occupy as little room as possible for the requisite supports, and not obstruct the interior by brick piers and walls, especially in the basement and first stories, where the most active operations of the post office department will have to be performed.

The partitions of iron are used because they can be easily removed if the dimensions of the rooms would hereafter be required to be changed. A large saving of expense is also made by the reduction of the carrying weights of the girders, which would, if brick were used, have to be considerably enlarged. We have provided for the thorough and secure bracing of the entire building by direct and diagonal ties of wrought iron, which are included in our estimate, and

we are willing to take issue on this subject, knowing that our construction is correct.

With regard to the girders over the drive-way, the commission instructed us to put no columns in this portion of the building, as they would obstruct the free passage of the wagons, and for that reason we placed wrought iron compound girders, four feet deep and of sufficient strength, *at every pier and in each story*, as our detailed estimates can show, and not on one story, as Mr. Mullett assumes. The weight to be carried by each of these girders is one ton to the lineal foot, including allowance of 75 pounds per square foot of flooring for persons. The weight to be carried, without allowance for persons, is only about *one-half ton* to the lineal foot on each girder, and *not five and six-tenths tons*, as stated by him.

Mr. Mullett, in his calculations, distinctly states that he *assumed* that the four-foot girders, shown on the section, support the entire superstructure. Why did he assume this, except for his own reasons? It would have been more courteous in Mr. Mullett to have written to or held a personal interview with the undersigned when he was in New York, in order to have ascertained how we intended constructing the plans in regard to this point, as well as many other matters connected with them, and not to make an assumption which is ridiculous on the very face, in supposing that five experienced architects expected to support the entire floors, walls, and roof on single iron girders, when common sense would have shown that this would be, if not impossible, at least unworthy of the sense of a tyro in construction.

We are quite able to construct the building in a perfect and most substantial manner as we have drawn it, but we cannot get it built for the prices in Mr. Mullett's two last estimates for a "first-class fire-proof building, of equal capacity with the proposed plans, the exterior to be of marble (or granite) and of the same design as submitted by the commission;" in proof of which we submit the following comparison of some of the prices and quantities between his first estimate, based on *our specifications*, and his two last estimates above referred to.

The foundations in his first estimate are calculated to cost 60 cents per cubic foot; in the second and third ones, for the same work, he charges only 40 cents per cubic foot.

The amount of brick-work (exclusive of arching) in the first estimate is placed at 6,628,000 bricks, at \$25 per thousand, which quantity and price is about correct, whereas, in his last estimates, although he substitutes brick partitions for the iron ones, he places the total number of bricks in the walls and partitions at 4,176,000, being 2,452,000 bricks less than he estimated for the outside walls alone in the first one, instead of which he should have added about 3,000,000 bricks, making a difference of 5,452,000 bricks. In his first estimate he places the brick-work at \$25 per thousand; in his two last ones at only \$20 per thousand.

In his first estimate for the fire-proof flooring, including girders, beams, arches, and flooring, he places the cost at \$1 60 per superficial foot, which is about correct; but in his two last estimates, notwithstanding that he adds to the above items all the wooden floor strips and the hard wood flooring, he places the cost at only \$1 per superficial foot.

In the first estimate he charges \$100,000 for carpentry, staging, centring, &c. In his last ones not a dollar even is charged for these items.

The plastering, in his last estimate, he places at 33 per cent. less than in the first one.

The items for templates, tubes, hoists, and machinery, gas tubing, &c., he places in the first estimate at \$43,800. In the last ones they are entirely omitted.

His estimate for heating the nearly same cubic contents, he places in the last estimates at \$23,768 25 less than the first one.

In fine, the total difference between the first and second estimates, by correct-

ing the prices in the latter to those charged in the former, and allowing liberally for the difference in cost by the omission of iron doors, sashes, shutters, sub-bases, partitions, and flooring, (which were all specified for the adopted plan,) would amount to \$239,121 91 instead of \$940,666 24, as Mr. Mullett would make it appear.

In the third estimate Mr. Mullett sums up the cost of the building at \$2,156,555 06, which is \$338,657 16 less than his second estimate. This difference he claims to be due to an alleged economy in favor of granite over marble. The difference in the relative cost of the two materials does not exceed 10 per cent., in any case which has come under our observation, in favor of granite in buildings constructed in this city; and for a building like the present design, if the ornaments and mouldings are properly relieved and cut, it will cost as much as marble, if not more.

We would desire to state with regard to our estimates, that we were instructed by the commission to make a safe estimate of the cost of the building—one that could be relied on. We, therefore, have included in it every item that we could think of as necessary for the building, a few of which, no doubt, could be omitted if a cheaper style of construction is desired by the government. We did not wish to deceive either the commission or the government, by stating that a building which, under the most favorable circumstances and with free use of wood, cannot cost less than \$3,000,000, can be built for considerably less than \$2,500,000.

There is a recommendation in the last paragraph of the report of the supervising architect in which we heartily concur, having ourselves previously recommended the same to the commission, namely: that no contracts be made for any part of the materials or workmanship without a public competition by advertisement, &c., as, in our opinion, it is the only fair way of constructing the building for a just and honest price.

In conclusion, we beg leave to observe with regard to the report of Mr. Mullett, the supervising architect, that we think we have shown that he has, for causes best known to himself, not only misrepresented the manner of construction adopted by us, but has also attempted to charge with unfairness the United States commission, who have devoted so much time and attention to the subject. We do not deem it our business to make any further remarks, leaving it to the commission to appreciate and understand his motives, which to us are sufficiently evident.

Respectfully submitted by your obedient servants,

RENWICK & SANDS.
RICHARD M. HUNT.
N. LE BRUN.
JOHN CORREJO.
SCHULZE & SCHOEN.

NEW YORK, *April* 18, 1868.

NEW YORK POST OFFICE, *April* 7, 1868.

In the newspaper department there are 6 bagging tables, containing at all hours 694 bags for the reception of mail matter. These tables each require a space of 26 feet by 28, or 728 superficial feet. There are constantly employed on these 6 tables 75 men.

On the main floor, 57 feet by 17, or 969 superficial feet, the entire heavy work of the office has to be done; 23 porters are employed to do the handling, locking, unlocking, and tying of 95½ tons of mail matter daily.

In the foreign newspaper room there are 2 tables, and the place occupied is 22 feet by 19, or 418 superficial feet; 40 bags are placed constantly for the

reception of mail matter, and 6 men do the service of making up the foreign newspaper mails.

The city newspaper room occupies a space 24 feet by 30, or 720 superficial feet; 20 men are employed. It also contains 180 lock-boxes for newspaper exchanges. Here also 86 postal car clerks, and route agents report their arrival and departure, and also await such orders as may be necessary.

The lobby, 64 feet by 18, or 1,152 superficial feet, with five large doors for wagons, and one for ingress and egress of clerks; in this lobby all mail matter in and out has to be passed and stored prior to the hours of departure, and one continued pressure of wagons to deliver and receive mail matter. At no hour of the day from 5 a. m. until midnight but teams can be found waiting their opportunity of being served.

The above-described space is not more than one-third of what we should have for the proper facility of present business.

The carriers' department occupies 1,973 superficial feet of space, and employs 104 men.

The registry department occupies 840 superficial feet. In this department are employed 21 clerks, giving each clerk a space of about 40 superficial feet when the room is clear of stamp-envelope cases. Postal clerks receive all registered matter in this room. About 1 ton of stamps and stamped envelopes, in chests and cases, are received and made up for the mails, this being the most bulky portion of the work of this department.

The delivery room for registered letters, in which are employed 2 clerks, contains 49 superficial feet behind the counter, and 119 superficial feet in front of the same for accommodation of the public, who are obliged, on account of the inadequate size of this room, to form in line down the staircase, and thereby blockading the entrance of the carriers' department; as many as 100 persons have been on this line at once.

The box department contains 2,287 superficial feet. In this department are 8 tables, used for opening and assorting mails, occupying 697 superficial feet, leaving for the use of the 60 clerks occupied in opening, assorting, boxing, and delivering, 1,590 superficial feet, or $26\frac{1}{2}$ feet for each man; through this room passes about 250,000 letters daily.

The lobby of this department, through which the greater number of persons doing business with the office must pass, contains about 2,750 superficial feet, into which from 7,000 to 8,000 persons are crowded at certain hours of the day, to say nothing of the many hundreds of persons who have to pass through it daily on business connected with the money order and several other departments of the office.

The letter distribution department, which consists of the letters, drops, stamping blocks, circular tables, and the tables for opening and assorting all the mails received at this office, covers an area of 2,448 superficial feet; 1,600 feet of this space is covered with large tables, leaving only about one-third of this space for the distributing and assorting of all the letters despatched from this office, averaging 250,000 daily. 76 men are employed in this department during the day, and the same number at night, giving about 11 superficial feet for each man in which to perform his duties. The work in this department is done almost entirely by gaslight, it being so situated that daylight is seldom of any use.

The foreign letter department covers an area of 1,300 superficial feet, 646 of which is covered with tables, letter drops, stamping blocks, and space for bags, leaving 654 feet for distributing, stamping, and assorting the average daily number of letters—2,400. 20 regular and 10 extra clerks are employed on packet days, four times a week, which gives about 20 superficial feet for each man on those days. It frequently happens that over 100,000 foreign letters are despatched and received in a single day. This department is badly lighted, and so very narrow as to make it very inconvenient to do the work properly.

The questions of necessity and site for the contemplated structure having been determined by the action of the government, there remains but the concluding one to consider as to the *immediate* necessity for its erection.

The New York post office is the great distributing office for this continent. Adequate space and facilities for the rapid and proper handling of the vast amount of mail matter passing through this office, with suitable accommodations for its executive departments, become not only a question of local convenience but assume national importance; as the postal interests of the whole country in great measure depend upon the accuracy and celerity with which this great distributing reservoir performs its functions.

The present building used for post office purposes was originally erected and used for a church. It bears upon its front entablature the date of 1729, and it may safely be said that it is the oldest structure of any considerable size now standing in the city. It was first occupied for post office purposes May 1, 1845, at an annual rent of \$5,000; then purchased October 29, 1860, at a cost of \$200,000 to the government, and \$50,000 to contributing citizens. Additions were made to the building under contract made January 2, 1862, costing \$7,587. From that time to the present the average expense of ordinary repairs absolutely necessary to render the building serviceable has been \$3,500 annually. Within the past two months an enlargement of room demanded by the increase of business has been made by means of a Mansard roof, and additional floor partly around the building, at an outlay of about \$12,000. The peculiar structure of the building and its dilapidated condition are such that an annual expenditure of \$8,000 for gas consumed during daylight is made necessary, and the cost of heating more than double the amount it should be, all of which would be avoidable by a properly constructed building.

The multiplication of business has been so rapid that the force of employés requisite for the same has been increased within the last ten years from 298 to 565, until the average space each occupies is 30 superficial feet, and in one department but 10 feet.

Let this be contrasted with the average room allowed in the following offices, to wit:

Boston, space to each employé.....	61 feet.
Philadelphia, space to each employé.....	35 feet.
Baltimore, space to each employé.....	66 feet.
Cincinnati, space to each employé....	70 feet.
Chicago, space to each employé.....	75 feet.
St. Louis, space to each employé.....	55 feet.

To compress men into the average working space of 30 feet, and in many instances 10 feet, is an abuse of human endurance and calls loudly for reform.

The following statement of the medical officer employed by the government for the care of the employés is a startling exhibit of the sanitary results of such requisitions. It cannot be read without feeling the full force of the fact that the dilapidated condition, inconvenient space, lack of natural light, general decomposition and filth, generating poisonous malaria, without the possibility of securing pure air enough to neutralize the fatal atmosphere, is sufficient to condemn the building and location as totally unfit for the force and labor indispensable to an office of such magnitude.

Medical officer's report.

POST OFFICE, *New York*, April 22, 1868.

SIR: I beg leave to submit my testimony as to the hygienic condition of the building known as the New York post office.

The average number of days lost to the department per month through the

illness of the employés is 150, or 1,800 days per annum. The types of disease are pulmonary, rheumatic, and febrile disorders mainly.

I have never hesitated to attribute these disorders to the ill-conditioned, poorly-ventilated, damp, dark, and foetid post office building. In most of the cases of illness that have come under my observation, I have traced directly the causes to this unwholesome source. In this damp building, shut in by narrow streets and the high surrounding houses, sunlight never comes, and in consequence *gas is burned almost constantly*. The most unprofessional observer could not fail to witness the deleterious influences of these baneful conditions upon the men subjected to them. I have been a witness to these facts for four years.

Coming in here, for the most part, hearty, robust men, it takes but a few months to reap the evils of this miserable system of hygiene; they become sallow, thin, dyspeptic, easily made ill, and slow to recover after illness. From these physical conditions it is not difficult to trace the cause of a *degradation of their morale*. The causes for this change in the men cannot exist in the character of the labor performed, but they do exist in the trying influences of the unwholesome air they are obliged to work in.

It has been estimated that there are 300,000 cubic feet of *breathing room* in this building. *One-half* of this space is occupied by mail matter and the necessary furniture of the office; then 390 men in 150,000 cubic feet of *breathing room* can only get about 400 *cubic feet of air* a piece, whereas the law of health requires at least 1,200 *cubic feet* per man. To avoid all possibility of re-inhaling the same air, 10 cubic feet of air per minute are required for each man. But, as it is now, instead of getting 10 cubic feet, a post office employé does *not quite get one cubic foot per minute*; consequently he *reinhales* almost the same vitiated air over 10 *times*. To add to this dangerous atmospheric condition there is no adequate system of ventilation. The only ingress of *external air* is through the crevices of the windows and doors, and through the "delivery windows" and "drops."

In addition to the men who are required to subsist upon this dangerously inadequate amount of air, 200 *gas-burners* are obliged to be supplied with oxygen from the same slim source. These gas-burners are in full blast most of the day as well as all night, for the reason, as before stated, there is no sunlight, and very little daylight, in the building. If anything further is required to add to the unwholesomeness of this building, we have it in the accumulated filth of twenty years, from the feet, saliva, and breath of the men, along with the offensive matters carried in by the mails. These matters have never been removed by the proper methods of cleansing, for the reason that the office is always occupied, until now the wooden floors, the cracked and eroded walls and ceilings, are completely saturated with these poisonous organic matters that are constantly exhaling, and are being breathed into the lungs of men whose duties require of them at least ten hours' occupation a day. The loss to the department by the frequent illnesses of the men is exceedingly great, and can only be attributed to the glaring evils of the hygienic conditions under which they are compelled to labor.

My experience has convinced me that the thorough interests of the department and the employés can never be improved until some radical change is effected in those necessary laws of hygiene that are now so completely ignored in the New York post office.

Very respectfully,

WALTER R. GILLETTE, M. D.,
Medical Officer.

Within such circumscribed and unwholesome limits the employés of the office are carefully classified in adaptability to respective duties and hours of service, so that day and night this industrial hive incessantly labors.

Some idea of that labor and its rapid increase may be gathered from the following summary.

The amount of mail matter in gross handled in 1864 averaged 41 tons daily. The daily average of 1867 was 95 tons; an increase of 130 per cent. in three years, and averaging 200 wagon-loads per day. Aside from the domestic mails that are constantly arriving and departing, foreign mails arrive from and depart to Europe four times per week by regular lines of steamers, and semi-monthly, extra, to and from France, against but two foreign mails per week in 1861.

In 1861 two mails monthly were sent to and received from Havana, and now the same number are sent to and received weekly. In addition to which there are now monthly mails sent to and received from Brazil, China, and Japan.

The number of letters despatched is now a daily average of 250,000.

Number of letters and newspapers delivered by carriers during 1857, 4,896,126. The same during 1867, 19,268,786. Being an increase in 10 years of 400 per cent., while the box delivery has increased in equal proportion.

Number of foreign letters sent and received in 1861 was 4,063,981. The same in 1867 was 8,918,158, an increase of nearly 120 per cent. in six years.

Aggregate value of postage stamps and stamped envelopes sold in the United States for fiscal year ending June 30, 1867, was \$12,988,134 32; of which was sold at the New York post office \$1,814,911 23, or 14 per cent. of the whole.

Amount of postage stamps and stamped envelopes sold at the New York office in 1857, \$464,911 62. Sold as stated in 1867, \$1,814,911 23, an increase in 10 years of nearly 400 per cent.

The number of money orders issued at that office in December, 1864, in which year the system was adopted, was 1,116, amounting to \$20,814 19. In December, 1867, 3,898, amounting to \$99,089 63.

The number of orders paid in December, 1864, was 5,815, amounting to \$41,791 69. In December, 1867, 34,948, amounting to \$577,279 38.

Postmasters' remittances received in December, 1864, amounted to \$73,121; December, 1867, \$700,180. Postmasters' drafts paid in December, 1864, amounted to \$17,600; December, 1867, amounted to \$434,253.

All the government issues of postage stamps and stamped envelopes are registered and distributed to postmasters through the New York office, and also a very large proportion of the blanks, twine, and wrapping paper thus supplied to postmasters throughout the country.

In this synopsis of the cumulating labor performed, the reflection follows, that aside from the immense revenue flowing through this great postal artery, the value of the contents of such vast and varied transmissions rises to many millions. It may safely be estimated that not less than ten millions valuation pass through this office daily. No one who has ever looked down from the second floor that partially surrounds the interior court, upon the multiplied and multiform matter which crowds to nearly suffocation this ill-adapted, dilapidated structure, but must have been startled with grave apprehension of peril and consequent liability of the government by fire, should it approach this combustible material. With the utmost caution that is practiced under the vigilance and efficiency of its incumbent, Kelly, the interior, so largely wooden, aided by the ignitable mass crowding the apartments everywhere, would baffle every human attempt against the ravages of fire, and any day the misfortune of "total loss" may involve the government, and more or less distress its people. To the following, appearing in one of the city papers, we might well add they are also seconded by business men *throughout the States*:

The Chamber of Commerce adopted a resolution yesterday, condemning the present city post office, and strongly urging upon the government the necessity for an immediate construction of the new building. These resolutions are seconded by every business man in the city.

With, therefore, the fact that for over 20 years the postal business of the city of New York has been conducted in an old, rickety church building, that a change has been sought by the purchase of an appropriate site, and a suitable structure demanded by that condition, and the immense amount of rapidly increasing business and labor, with the extraordinary perils of attendant life and property, there can be no other conclusion than that *immediate* steps should be taken to erect a suitable post office building in that city.

What, then, shall be a *suitable* building? Upon a consideration purely of economy, any rectangular, substantial form might be reared, with ample dimensions, internal arrangements, and of the plainest architectural exterior; but none wisely-minded would, we trust, suppose that this would comport with the requirements of a great nation, nor contemplated in the eligible site so generously tendered by its commercial metropolis. Standing, as it must, so central to all the activities of that vast city, considerations broader than local enter into a wise and just estimate of what should form its material and architectural design.

Comprehending the adjacent cities that enrich their limits in proportion as New York thrives, City Hall park, the site of the proposed building, may be considered substantially the centre of the varied interests of such circuit, and is but a few steps from the monetary and commercial centre of the Union.

It is now the focal point to which city cars and stages converge, and is to become the terminus of the underground system of city railways which the thronging demand of a rapid growth is so soon to render a necessity. Merchants and capitalists there, morning and evening, gather. Here, then, where the populace of the city and sojourners of the nation in great measure concentrate, is to stand the architectural representative of the postal interests of the nation and city combined.

New York touches every industrial fibre of the land. Into her capacious lap pour the fruits of incessant national toil. Railways, in a great measure the mail carriers of countries, are so rapidly interlacing that the day is not far distant when the continent will thus be woven into a system of postal facilities. In 1855 we had 17,398 miles constructed; in 1864, 33,860 miles; nearly doubling in nine years. To-day the United States approximates 40,000 miles of working roads, quadrupling that of France, nearly treble that of England, and almost as much as the total mileage of the United Kingdom and Europe.

Coursing this web, agriculture, commerce, science and the arts continue to enlarge and enrich the sources of the nation's wealth, and the fittest type of this advancing greatness are the strides and grandeur of her concentrating emporium.

Foreigners seeking our shores for location or observation, take their impress of the scope and power of the government from the magnitude of its commercial centre. New York is to the United States what London is to Great Britain, and Paris to France, while in area and prospective population, wealth, and power of expansion, parallels are as canton to continent.

Fifty years ago the whole southern mail was carried on one man's back to a small boat which crossed North river. Now it takes eight four-horse teams to convey the same.

Fifty years hence will witness such a growth south as the past furnishes no parallel to, while the expansion of the west will be as amazing as its resources are illimitable.

The wonderful strength, ability to maintain free government against formidable conspiracy and treason, and readjustment of fundamental law upon the base of manhood equality, which this nation, emerging from recent war, exhibits to the world, is to be followed by such an influx to the natural increase of our numbers as will surprise and imperil monarchies, and unprecedentedly vindicate and populate the republic.

In view of such certain growth the structure to be erected is not alone to meet

the wants of the present, but to provide for the teeming future. To do this in a suitable manner, it is proposed by the commission to expend three and a half millions of money. Following their plan submitted and approved by the government, the design will be as pleasing to the eye as its architectural stability and elegance will comport with the requirements of so promising a city and nation.

Private business enterprise has recently and is now erecting, in full view of this site, buildings costing over a million of money, one of which, when completed, to cost more than one-fifth of the proposed outlay for the post office building.

The municipality itself has been expending millions upon the City Hall, directly in rear of where it is proposed this building shall stand.

Shall the government building, in its architectural scope, be less appropriate, in the midst of such surroundings?

What citizen of this republic has ever regretted the millions expended in the erection of a Capitol worthy of the nation. None tread beneath its dome but feel the pride of country in the reflection that scarcely upon the earth's surface can its proportionate and stately grandeur be excelled.

The same laudable spirit pervades the people respecting *all* that concerns their country and their national dignity. They are proud of New York as their metropolitan city. They comprehend the growth and influence of their national power. The world regards it. In the diplomacy of nations she no longer seeks and submits, but is now graciously sought and respected. An empire, with uncounted millions, on our west, opens its hand and seeks commercial bonds with Americans *first*, and bids the embassy, headed by an American, invite the good will of the republic ere committing its destiny to the family of nations. On our east, sovereignties are startled at the rebuff of a petty province at our feet, armed with American doctrine as a continental defence.

Simultaneously our naval power receives the ovation of Europe.

If such now, what then, when with the Atlantic and Pacific grasped in iron hands, we bear the commerce of the world? Then, all peoples must pass through our metropolitan gates.

With arms thus outstretched, if the body would have health, and thrift, let suitable provision be made for the commercial heart of the nation.

McKEE vs. YOUNG.

JUNE 17, 1868.—Laid on the table and ordered to be printed.

Mr. Cook, from the Committee of Elections, made the following

REPORT.

In the case of Samuel McKee against John D. Young, of the ninth district of Kentucky, which was recommitted to the Committee of Elections, the committee respectfully report:

That the committee adhere to the conclusions arrived at, and the reasons stated therefor, in the report submitted on the 23d of March, A. D. 1868, by Mr. McClurg, so far as the same relate to the right of John D. Young to hold a seat in this house, and recommend the adoption of the resolution then reported, as follows:

Resolved, That John D. Young, having voluntarily given aid, countenance, counsel, and encouragement to persons engaged in armed hostility to the United States, is not entitled to take the oath of office as a representative in this house from the ninth congressional district of Kentucky, or to hold a seat therein as such representative.

And in relation to the question whether said J. D. Young or said Samuel McKee was legally elected to this house, said committee report as follows:

The election for member of Congress in the 9th district of Kentucky was holden May 4, 1867.

At that election John D. Young received 9,042 votes.

Samuel McKee received 7,563 votes.

Thomas M. Green received 862 votes.

Of the votes so received by said Young, 625 were given by men proven to have been soldiers in the rebel army, which votes were given in election precincts other than those hereinafter specifically named.

The following persons acted as officers of election, who had been soldiers in the rebel army:

Morgan county, West Liberties, John T. Hazelrigg, clerk. (See testimony of Miles W. Nichols, Mis. Doc. 13, p. 19.)

Young's majority in this precinct was 77.

Precinct of Ruin, Rhoda Horton, sheriff; Daniel De Hart, clerk. (See testimony of G. W. Stamper and Frank Hunter, p. 23.)

Young's majority in this precinct was 73.

Caney precinct, H. G. Castle, sheriff. (P. 23.)

Young's majority in this precinct, 58.

Little Sandy, G. G. Atkins, judge. (P. 23.)

Young's majority, 55.

Bath county, Sharpsburgh precinct, J. M. Colman, sheriff of election. (P. 43.)

Young's majority in this precinct, 109.

Mud Lick precinct, Robert Wells, sheriff. (P. 39.)

Young's majority in this precinct, 51.

Bethel precinct, R. W. Sharp, sheriff. (P. 42.)

Young's majority in this precinct, 129.

Montgomery county, Camargo precinct, J. A. O'Rear, clerk. (P. 64.)

Young's majority in this precinct, 132.

Centreville precinct, Fleming county, Mason Caywood and William H. Cord, judges of election. Samuel McGuire (p. 96) testifies, "Mason Caywood and William H. Cord have been publicly known as southern sympathizers, and in favor of the so-called southern confederacy both during and since the war."

Young's majority in this precinct, 132.

Mason county, Orangeburg precinct; W. D. Coryell sheriff of election.

D. Rice Bullock testifies as follows, page 53: "I know W. D. Coryell to be an out-and-out rebel. I heard him thank God for the destruction of the Union troops at the battle of Bull Run; he never claimed to be anything else but a rebel; he was elected magistrate at the election held May 4, 1867; when he acted as sheriff he accepted said office, and is now acting as justice of the peace of Mason county."

Young's majority in this precinct, 67.

It appears perfectly clear to the committee that persons who had been soldiers in the rebel army had no right to vote or to act as officers of election. They had surrendered to the government of the United States upon the condition that each company or regimental officer should sign a parole for his men, and each man was allowed to return home, not to be disturbed by United States authority so long as he observed his parole and the laws in force where he resided. These men were especially excepted from the amnesty proclaimed by the President May 29, 1865, under the 10th exception, and there appears to have been no other act of amnesty up to the time of this election which could include them; they were paroled prisoners of war. No reason occurs to the committee why these men should be allowed to vote which would not apply with equal force to them while actually in the field against the government; the only difference which appears is that they had now been captured; their object, aim, and intent, whether in fighting or voting, was manifestly to destroy the government. It seems absurd to say that it was a patriotic duty to kill them while they were in arms against the government to prevent the destruction of the government by them, and at the same time wholly illegal to refuse to allow them to accomplish the same result by their votes. The whole plan of reconstruction by Congress, as also the plan of reconstruction proposed in the proclamations of the President, has proceeded upon the assumption that those who had renounced their allegiance to the government and fought against it have forfeited their right to vote.

The committee are of the opinion that the 625 votes of rebel soldiers ought not to be counted.

By the law of Kentucky none but electors can be judges or officers of election. The law of Kentucky also provides that those who have engaged in the rebellion for the overthrow of the government, or who have in any way aided, counselled, or advised the separation of Kentucky from the federal Union by force of arms, or adhered to those engaged in the effort to separate her from the federal Union by force of arms, should not be selected as judges of election.

[Myers's Supplement, p. 456.]

AN ACT to amend section 1, article 3, chapter 32, title "Elections," of the Revised Statutes.

Be it enacted by the general assembly of the Commonwealth of Kentucky, That hereafter, so long as there are two distinct political parties in this Commonwealth, the sheriff, judges, and clerk of election, in all cases of elections by the people under the Constitution and laws of the United States, and under the constitution and laws of Kentucky, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party, and the other judge of the other or opposing political party; and that a like difference shall exist at each place of voting between the sheriff and clerk of election: *Provided,* That there be a sufficient number of the members of each political party resident in the several precincts, as aforesaid, to fill said offices. And this requirement shall be observed by all officers of this Commonwealth who have the power to appoint any of the aforesaid officers of election, under the penalty of a fine of one hundred dollars for each omission, to be recovered by presentment of the grand jury.

MARCH 15, 1862.

AN ACT to amend an act entitled "An act to amend section one, article three, chapter thirty-two, title 'Elections,' of the Revised Statutes," approved February 11, 1858.

SECTION 1. That in construing the act approved February 11, 1858, to which this is an amendment, those who have engaged in the rebellion for the overthrow of the government, or who have in any way aided, counselled, or advised the separation of Kentucky from the federal Union by force of arms, or adhered to those engaged in the effort to separate her from the federal Union by force of arms, shall not be deemed one of the political parties in this Commonwealth within the provisions of the act to which this is an amendment.

SEC. 2. This act to take effect from and after its passage.

It has long been held that if the officers of election are not capable of holding the office the election has no more validity than would an election where no officers whatever were appointed; it is otherwise where persons capable of holding the office are appointed, although they may not have complied with the forms of the law. (*Easton vs. Scott*, first contested election cases, page 272, *Delano vs. Morgan*, decided the present session.)

The total majority for Young given in these precincts, as shown by the rebel officers of election, is 883.

It is proven that eight (8) deserters voted for Young not included in the above lists.

Making a total of.....	1,516 votes
Deduct Young's official majority	1,479 "
Legal majority for McKee	41 "

The evidence shows conclusively that in many parts of this district at the time of the election legal voters were prevented from voting by threats and intimidation; many witnesses testified that they wholly abstained from voting lest they should endanger their personal safety, and the proof shows these fears to have been reasonable. The fact that so large a number of rebel soldiers voted and so large a number of rebels acted as officers of election, is evidence strongly tending to corroborate the truth of this statement, although no testimony whatever has been taken in relation to the voting of rebels in some of the most disloyal portions of the district, the contestant alleging that the officers there would not allow him to take testimony before them.

These facts are alluded to not as forming any element in the count of votes, but as showing the necessity for the strict construction of and adherence to the law governing elections if the rights of loyal men are to be protected.

The committee recommend the following resolutions for adoption:

Resolved, That J. D. Young was not legally elected a member of the House of Representatives of the fortieth Congress from the ninth congressional district of Kentucky.

Resolved, That Samuel McKee was duly elected a member of the House of Representatives in the fortieth Congress from the ninth congressional district of the State of Kentucky.

CAPTURE OF JEFFERSON DAVIS.

[To accompany bill H. R. No. 1277.]

JUNE 17, 1868.—Ordered to be printed, and recommitted to the Committee of Claims.

Mr. W. B. WASHBURN, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom were referred House bill No. 60, authorizing the payment of the rewards offered by the President of the United States in May, 1865, for the capture of Jefferson Davis, and House bill No. 268, to provide for the distribution of the reward offered by the President for the capture of Jefferson Davis, together with numerous memorials on the same subject, having had the same under consideration, report :

That bill No. 60, introduced by Mr. Upson, provides for the payment to Lieutenant Colonel Benjamin D. Pritchard, of the 4th Michigan cavalry, and to 20 officers, 127 non-commissioned officers, and 315 privates, the entire strength of his command, the whole of the \$100,000 reward offered for the capture of Jefferson Davis.

This payment is contemplated, in pursuance of the award of the Secretary of War, to this regiment alone, and upon the principle of the rule in prize and salvage cases of captures at sea, as stated in the letter of the Secretary, dated April 18, 1866. (See Ex. Doc. No. 90, 1st session 39th Congress.)

The second bill, No. 268, introduced by Mr. Paine, provides that the reward of \$100,000 shall be paid to Lieutenant Colonel B. D. Pritchard, 7 officers, 50 non-commissioned officers, and 95 privates of the 4th Michigan cavalry, and also to Lieutenant Colonel Henry Harnden, 1 officer, 14 non-commissioned officers, and 62 privates of the 1st Wisconsin cavalry, in proportion to the monthly pay proper to which they were respectively entitled by law in the grades which they held at the time of said capture.

Those of the 4th Michigan, provided for in No. 268, were the officers and men actually present at the time of the arrest and capture of Jefferson Davis.

Those of the 1st Wisconsin, provided for in like manner, were engaged in the pursuit, are claimed to have been present at the capture, and to be equally entitled to the reward.

Upon this point the Secretary of War, in his letter of the 18th of April, 1866, made the following statement :

The arrest of this chief traitor was effected on May 10, last, near Irwinsville, Georgia, by the 4th Michigan cavalry regiment, under the command of Lieutenant Colonel B. D. Pritchard, who started upon the pursuit, with his command, from Macon, Georgia, on May 7. The reward in this case, however, is also claimed by Lieutenant Colonel Henry Harnden, who, with his regiment, the 1st Wisconsin cavalry, also engaged in the pursuit, arrived upon the ground but a few minutes after the command of Colonel Pritchard had taken possession of the camp of Davis. Without discussing, at length, the charges which have been made by Colonel Harnden, in regard to the course adopted by Colonel Pritchard upon this pursuit, it will be sufficient to observe that, upon a careful consideration of all the evidence, these charges are not deemed to be sustained in any particular ; and it is concluded by the undersigned that the latter officer, both in the pursuit and the capture, acted in entire good faith toward the former, and cannot be held responsible for the momentary unfortunate collision which took place between the two commands.

The charges in question not being sustained, it must be held that the regiment or detachment of Colonel Pritchard were the actual captors, and that it is among the officers and men, who constituted such detachment, that the specific reward for the "arrest" of Davis is to be divided.

At the same time it is proper to bear testimony to the valuable services upon this occasion of the 1st Wisconsin cavalry and its commander, and to note that, while the Michigan regiment is deemed, under the terms of the offer, to be entitled to the reward, the activity and zeal displayed in the pursuit by the other must commend it to a hardly less honorable mention than its more fortunate ally.

From the official reports of the 4th Michigan cavalry, filed in this department, it appears that but about 128 men and seven officers of the regiment were immediately concerned with Colonel Pritchard in the capture; the remainder of the command, under Captain J. C. Hathaway, the next officer in rank, having been detached on the day before to act as pickets and scouting parties at and near the fords of the Ocmulgee river. Those who proceeded with the colonel to Irwinsville were selected for this purpose merely because they were of the best-mounted men of the command.

It is recommended by Colonel Pritchard that all the officers and men, whether present at the seizure or absent on the service named, should be included in the distribution of the award. This service was of a most important precautionary character, incidental to the immediate purpose of the expedition, and such as could not, without an imputation of neglect of duty, have been omitted to be provided for. The officers and men engaged in it were in all respects equally worthy with those of the smaller detachment, and their operations were equally well conducted with those of the latter. For these reasons, and upon the analogy of the principles of law which prevail in prize and salvage cases, where but little or no distinction is ordinarily observed between the claims of those immediately engaged in the act for which compensation is awarded, and those occupied with duties necessarily incidental, the recommendation of Colonel Pritchard is concurred in; and it is concluded that all the officers and men present with the expedition, whether in the advance or not, should receive equal shares, in their respective grades, of the reward offered.

To proceed, therefore, to ascertain these shares in accordance with the statutory rule of distribution which has been adopted by the undersigned, it appears that no officer superior to Colonel Pritchard—neither Colonel R. H. G. Minty, commanding division, under whose immediate instructions he was acting, nor Major General J. H. Wilson, commanding cavalry corps, from whom Colonel Minty received his orders—has preferred any claim to the reward for this arrest. Whatever share, if any, might be deemed payable to such officer, should, therefore, it is conceived, be regarded as falling into the residuum of the amount, after deducting the share of Colonel Pritchard; and his share, under the legal rule, will be one tenth of the entire sum; or \$10,000.

The balance, \$90,000, is then to be divided among the officers and soldiers in the proportion of their pay proper.

Upon this proposition, to distribute the reward upon the theory of prize and salvage cases, including all of Colonel Pritchard's command for which he made claim, the committee dissent from the opinion and recommendation of the Secretary of War.

Whether the capture of an enemy's vessel, by naval forces, bears such a strict analogy to the arrest of felons and traitors as to constitute the *prize* statute the only proper rule of distribution, because it is a statutory rule, is equally unsettled and uncertain, and it is a rule, in the opinion of the committee, that would work serious injustice in its application to the parties concerned here. To wise legislators rules are, indeed, aids and helps, but they do not make themselves the unreasoning slaves of rules, in the face of testimony and against the persuasions of justice.

And it may be further stated that the 39th Congress, in the passage of the act distributing the rewards offered for the capture of Booth and his accomplices, rejected the rule proposed, and distributed the reward in proportion to what was considered to be the merits of the claimants, and the value of their services in the arrest and capture of the fugitives.

In view of the conflicting claims of these two regiments, the House of Representatives, on the 15th of January, 1867, in the 2d session of the 39th Congress, instructed the Committee of Claims to ascertain and report the facts relative to the capture of Jefferson Davis, and the connection of the 4th Michigan and 1st Wisconsin cavalry regiments therewith, together with the evidence taken in the case.

Agreeably to these instructions, the testimony of witnesses, under oath, was taken, and the official reports of military officers, not before considered at the War Department, were examined, and will be found in Mis. Doc. No. 82, 2d session 39th Congress.

Some of this testimony, and the facts thus brought to light, have, at least, had an influence upon the action of the committee, in this report; and it is, therefore, deemed expedient to bring the same again to the attention of the House.

General James H. Wilson, late major general of volunteers, commanding cavalry in the States of Alabama and Georgia, in 1865, being called before the Committee of Claims on the 27th of January, 1867, testified:

That while engaged in a campaign through Alabama and Georgia, in command of a corps of cavalry, designated above, and consisting of a force of nearly 15,000 men, during the months of April and May, 1865, he issued orders and made the necessary distribution of troops, under his own inspiration and in accordance with the instructions of the Secretary of War, for the purpose of securing the persons of such rebel chiefs as might be fleeing from the country by the roads in that section; that he obtained information from citizens while at Macon, Georgia, about the 23d or 24th of April, 1865, to the effect that Davis and his cabinet, escorted by several brigades of cavalry, had been a few days before at Charlotte, North Carolina, on their way to the trans-Mississippi department; that subsequently this information was confirmed, both by citizens and soldiers of his command, (cavalry corps, military division of the Mississippi;) that on or about the 4th of May, 1865, he received through Brevet Brigadier General A. J. Alexander, commanding 1st brigade of Upton's (4th) division, and Brevet Brigadier General E. F. Winslow, commanding 4th division, information sent in by Lieutenant Joseph O. Yeoman, 1st Ohio cavalry, that Davis and his suite had reached Washington, Georgia, and from other sources, (and on the 5th or 6th of May from the same source,) that the said Davis had given up his intention to go through northern Georgia and Alabama, and would probably turn to the south and try to escape by the way of the roads to Florida and the Gulf coast; and further that upon this information, which he regarded as entirely reliable, he (Major General Wilson) ordered General Croxton, commanding the 1st division cavalry corps, military division of the Mississippi, then at Macon, on the evening of May 6, to select his best regiment and best commanding officer, and order them to march at once by the way of Jeffersonville to Dublin, Georgia, and beyond, for the purpose of apprehending Jefferson Davis, and all other persons of note who might be trying to escape from the authority of the United States in that direction; that in accordance with these verbal instructions he selected a part of the 1st Wisconsin cavalry, commanded by Lieutenant Colonel Henry Harnden, and gave the necessary orders in pursuance of instructions; that this regiment marched without delay, and in all particulars, so far as made known by official reports and otherwise, was conducted by Colonel Harnden with discretion, vigor, and zeal, arriving at Dublin the next day about 7 p. m.; that Colonel Harnden there struck the trail of Davis and his party, and at an early hour on May 8 began the pursuit of the fugitives, following them through swamp and forest vigorously and persistently, crossing the Ocmulgee river at Brown's ferry, obtaining there information which left him no doubt that he was on the right trail. That Colonel Harnden met Colonel Pritchard and gave him the information which he had gathered, this at or near Abbeville, Georgia, on the 9th day of May, 1865. Further, that he, (General Wilson,) on the 7th day of May, having become thoroughly convinced that his previous information in regard to Davis's movements was entirely reliable, ordered Brevet Brigadier General R. H. G. Minty, commanding the 2d division of the cavalry corps, military division of the Mississippi, then in the vicinity of Macon, to select his best regiment and regimental commander, and order them to proceed rapidly and without delay by the south side of the Ocmulgee river, to watch the crossings and patrol the country lying between Abbeville and the mouth of the Ochoopee river, for the purpose of arresting Jefferson Davis and other important rebels; that in pursuance of these verbal instructions, duly transmitted, the 4th Michigan cavalry, Lieutenant Colonel B. D. Pritchard commanding, was selected, and on the evening of May 7, 1865, began their march from Macon, meeting Colonel Harnden's regiment, as before mentioned, at or near Abbeville, May 9, 3 p. m. Further, that after a conversation between Colonels Harnden and Pritchard, somewhat variously reported, these two officers separated, the former to join his detachment, already some time on the advance in the direct line to Irwinsville, (following Davis,) while the latter continued his march down the Ocmulgee, in pursuance of his instructions; that an hour after, Colonel Pritchard, having become convinced by additional information, said to have been obtained from a negro, that Davis had actually gone in the direction of Irwinsville, selected the twelve best men and officers of each company in his regiment, (seven officers and 128 men,) and began the pursuit by a road leading to Irwinsville by the way of Wilcox's mill; that he and his men captured Davis and suite, as previously reported and well known, about one and a half mile north of Irwinsville, on the morning of May 10.

Further, that nearly at the same time the detachment of Colonel Harnden arrived upon

the scene of action, ignorant of Pritchard's movement and good fortune, and in the dark, unable to recognize the uniform of Pritchard's men, became engaged with them; that this was probably no fault of Colonel Harnden, and could only have been avoided by Colonel Pritchard's sending a courier to inform Colonel Harnden of his intended movement the evening before; that he (General Wilson) does not intend to decide the fault or responsibility involved in this encounter, not having had either opportunity or time to order a proper investigation of the facts; that the characters of both Colonels Harnden and Pritchard were then, and he believes are now, above reproach; that no report of his (General Wilson's) was ever intended to reflect upon either of them, so that the merits of the case depend entirely upon the facts involved in the pursuit and capture. Finally, that in view of the fact that his original reports and recommendations were not properly regarded, and in consideration of the services of Lieutenant Yeoman, Colonel Harnden, and his men, he has recently recommended, in a full official report of all the transactions alluded to herein, that the two officers just mentioned are entitled to share and share alike with Colonel Pritchard and his officers, and that the men and officers of the 1st Wisconsin cavalry should at least receive medals of honor specially commemorating their services in the pursuit, the law which should govern this distribution being that usually applied in the distribution of naval prizes; and further, that under this law (which he does not pretend to construe) it would be much more equitable to count Colonel Harnden and his men, who were actually within the sound of gunshot of the capture, among the persons entitled to share in the reward, than those men of Colonel Pritchard's regiment left on duty along the Ocmulgee river. Further, that he (General Wilson) has not been called before the commission which made the award, and of which General Townsend was president, and that all the facts set forth herein are true from the best of his knowledge and belief.

The committee feel justified in quoting from the report of this able and experienced officer, made to the General of the army, dated Davenport, Iowa, January 17, 1867. General Wilson says:

The first direct information I received of Davis's movements was on the 23d of April from a citizen who had seen him at Charlotte, North Carolina, only three or four days before, and had learned there that he was on his way with a train and an escort of cavalry to the south, intending to go to the trans-Mississippi department. This information was regarded as entirely reliable, and hence the officers in charge of the different detachments afterwards sent out were directed to dispose of their commands so as to have all roads and crossings vigilantly watched. It was first thought that Davis would call about him a select force and endeavor to escape by marching to the westward through the hilly country of northern Georgia. To prevent this Colonel Eggleston was directed to watch the country in all directions from Atlanta. Brevet Brigadier General A. J. Alexander, with the 2d brigade of Upton's division, having reached Atlanta in advance of the division, was directed by General Winslow to scout the country to the northward as far as Dalton, or until he should meet the troops under General Steedman in that region. On beginning his march from Macon, General Alexander was authorized to detach an officer and 20 picked men, disguised as rebel soldiers, for the purpose of trying to obtain definite information of Davis's movements. This party was placed under the command of Lieutenant *Joseph O. Yeoman*, 1st Ohio cavalry, and at the time acting inspector general of the brigade. Verbal instructions were also given to other brigade and division commanders to make similar detachments. General Croxton was directed to send a small party towards Talladega by the route upon which he had marched from that place, while Colonel Eggleston was directed to send a party by rail to West Point.

By these means it was believed that all considerable detachments of rebels would be apprehended, and that such information would be obtained as would enable us to secure the principal rebel leaders, if they should undertake to pass through the country in any other way than as individual fugitives. In declaring the armistice of Sherman null and void the Secretary of War had directed that my command should resume active operations and endeavor to arrest the fugitive rebel chiefs. I accordingly notified him and General Thomas by telegraph of the dispositions I had made, and that I had no doubt of accomplishing the desired object; but having forwarded the records of my command to the Adjutant General's department, as required by army regulations, I cannot now fix the exact dates of these despatches.

After a rapid march towards the upper crossings of the Savannah river, in northeastern Georgia, Lieutenant Yeoman's detachment met and joined Davis's party, escorted by Debrill's and Ferguson's divisions of cavalry, probably under Wheeler in person, and continued with them several days, watching for an opportunity to seize and carry off the rebel chief. He was frustrated by the vigilance of the rebel escort. At Washington, Georgia, the rebel authorities must have heard that Atlanta was occupied by our troops, and that they could not pass that point without a fight. They halted, and for some time acted with irresolution in regard to their future course. The cavalry force which had remained true to Davis, estimated at five brigades and probably numbering two thousand men, now became mutinous and declined to go any further. They were disbanded and partially paid off in coin, which had been brought to that point in wagons. Lieutenant Yeoman lost sight of Davis at this time, but dividing his party into three or four small detachments, sought again to obtain

definite information of his movements, but for twenty-four hours was unsuccessful. Persevering in his efforts he became convinced that Davis had relinquished his idea of going into Alabama, and would probably try to reach the Gulf or south Atlantic coast, and escape by sea. Couriers were sent with this information to General Alexander, and by him duly transmitted to me at Macon. The same conclusion had already been forced upon me by information derived from various other sources, and from the nature of the case it seemed quite probable. With railroad communication through northern Georgia, and a division of four thousand national cavalry operating about Atlanta, it would have been next to impossible for a party of fugitives, however small, to traverse that region by the ordinary roads. This must have been clear to the rebels. From these circumstances I became fully convinced that Davis would either flee in disguise and unattended, or endeavor to work his way southward into Florida. With the view of intercepting him in this attempt, I directed the crossings of the Ocmulgee river to be watched with renewed vigilance, all the way from the neighborhood of Atlanta to Hawkinsville, and on the evening of May 6th I directed Brigadier General Croxton to select the best regiment in his division, and to send it under its best officer, with orders to march eastward via Jeffersonville to Dublin, on the Oconee river, with the greatest possible speed, scouting the country well to the northward, and leaving detachments at the most important cross-roads, with instructions to keep a sharp lookout for all detachments of rebels.

By these means it was hoped that Davis's line of march would be intersected and his movements discovered, in which event the commanding officer was instructed to follow wherever it might lead, until the fugitives should be overtaken and captured. General Croxton selected for this purpose the 1st Wisconsin cavalry, commanded by Lieutenant Colonel Henry Harnden, an officer of spirit, experience, and resolution.

During that day and the next the conviction that Davis would try to escape into Florida became so strong that I sent for General Minty, commanding second division, and in person directed him to select his best regiment and order it to march without delay to the southeastward, along the right bank of the Ocmulgee river, watching all the crossings between Hawkinsville and the mouth of the Ochopee river. In case of discovering the trail of the fugitives they were directed to follow it to the Gulf coast, or till they should overtake and capture the party of whom they were in pursuit. General Minty selected for this purpose his own regiment, the 4th Michigan cavalry, commanded by Lieutenant Colonel Benjamin D. Pritchard, an excellent and dashing officer.

In the meantime General Upton, at Augusta, had sent me a despatch advising me to offer a reward of \$100,000 for the capture of Davis, urging that the Secretary of War would approve my action, and that it would induce even the rebels to assist in making the capture. Not caring, however, to assume the responsibility of committing the government in this way, I authorized him to issue a proclamation offering a reward of \$100,000 to be paid out of such money as might be found in the possession of Davis or his party. This was done, and copies were scattered throughout the country as early as the 6th of May. As soon as it was known at Atlanta that Davis's cavalry escort had disbanded, General Alexander, with 500 picked men and horses of his command, crossed to the right or northern bank of the Chattahoochee river, occupied all the fords west of the Atlanta and Chattanooga railroad, watched the passes of the Allatoona mountains and the main crossings of the Etowah river, and, with various detachments of his small command, patrolled all the main roads in that region day and night until he received news of Davis's capture in another quarter.

In pursuance of my instructions to General Croxton, heretofore recited, Lieutenant Colonel Henry Harnden, with three officers and 150 men of the 1st Wisconsin cavalry, left Macon on the evening of May 6, 1865, and marched rapidly, via Jeffersonville, towards Dublin, on the Oconee river. At Jeffersonville Colonel Harnden left one officer and 35 men, with orders to scout the country in all directions for reliable information in regard to the route of Davis's flight. With the balance of his command he continued the march all night and the next day, about 7 p. m. reaching Dublin. During the night and day he had sent out scouts and small parties on all the side roads in the hope of finding the trail of the party for whom he was looking. Nothing of importance occurred till after he had bivouacked for the night. The white inhabitants of that place expressed entire ignorance and indifference in regard to the movements of important rebels, but were unusually profuse in their offers of hospitality to Colonel Harnden. This, together with the conduct of the colored servants, excited his suspicions, though he gained no valuable intelligence till about midnight, at which time he was informed by a negro man, who went to his camp for that purpose, that Davis, with his wife and family, had passed through Dublin that day, going south on the river road. The negro reported that the party in question had eight wagons with them, and that another party had gone southward on the other side of the Oconee river. His information seems to have been of the most explicit and circumstantial character. He had heard the lady called "Mrs. Davis," and a gentleman spoken of as "President Davis," and said that Mr. Davis had not crossed the river at the regular ferry with the rest of the party, but had gone about three miles lower down and crossed on a small flat-boat and rejoined the party with the wagons near the outskirts of the town, and that they had all gone towards the south together. The colored man reported Mr. Davis as mounted upon a fine bay horse, and told his story so circumstantially that Colonel Harnden could not help believing it. The ferryman was called up and examined, but, either through stupidity or design,

succeeded in withholding whatever he knew in regard to the case. But in view of the facts already elicited, after detailing Lieutenant Lane and 60 men to remain at Dublin and to scout the country in all directions, Colonel Harnden, at an early hour in the morning, began the pursuit of the party just mentioned. Five miles below Dublin he obtained additional information from a woman which left him no room to doubt that he was on the right track of Davis in person. He despatched a messenger to inform General Croxton of his good fortune, and pushed rapidly in pursuit. The trail led southward through a region of pine forests and cypress, almost uninhabited, and therefore affording no food for either men or horses. The rain began to fall, and as there was no road the tracks of the wagon wheels upon the sandy soil were soon obliterated. A citizen was pressed and compelled to act as guide till the trail was again discovered. The pursuit was continued with renewed vigor, but as the wagon tracks were again lost in the waters of the swamp bordering on Alligator creek, the pursuing party were again delayed till a citizen could be found to guide them to the road upon which the trail was again visible. Colonel Harnden reports this day to have been one of great toil to both men and horses. They had marched 40 miles through an almost trackless forest, much of the way under the rain and in water up to their saddle girths. They bivouacked after dark on the borders of Gum swamp, and during the night were again drenched by rain. Before daylight of the 9th they renewed their march, their route leading almost southwest through swamp and wilderness, to Brown's ferry, where they crossed to the south side of the Ocmulgee river. In his anxiety to ferry his command over rapidly Colonel Harnden allowed the boat to be overloaded. A plank near the bow was sprung loose, causing the boat to leak badly, and, as no means were at hand with which to make repairs, lighter loads had to be carried. This prolonged the crossing nearly two hours. Colonel Harnden learned from the ferryman that the party he was pursuing had crossed at about 1 a. m. that morning, and were only a few hours ahead of him on the road leading to Irwinsville. At Abbeville, a village of three families, he halted to feed, and just as he was renewing his march he met the advance party of the 4th Michigan cavalry, Lieutenant Colonel B. D. Pritchard commanding, moving on the road from Hawkinsville. Ordering his detachment to continue its march, Colonel Harnden rode to meet Colonel Pritchard, and gave him such information in regard to Davis's movements as he had been able to gather. This was about 3 p. m. After a conversation between these officers, the precise details of which are variously reported, they separated—Colonel Harnden to rejoin his command, already an hour or more in advance, and Colonel Pritchard continuing his march along the south side of the Ocmulgee.

It will be remembered that Colonel Pritchard had begun his march from the vicinity of Macon on the evening of May 7, under verbal orders given him by General Minty, in pursuance of my instructions. His attention was particularly directed to the crossings of the Ocmulgee river, between Hawkinsville and Jacksonville and the mouth of the Ochoopee, with the object of intercepting Davis and such other rebel chiefs as might be making their way out of the country by the roads in that region. He had not gone more than three miles before he obtained such additional information in regard to the party as convinced him that it was his duty to join in the pursuit. In this he was clearly right, and had he done otherwise would have been censurable for negligence and want of enterprise.

Colonel Harnden having informed him that he had force enough to cope with Davis, Colonel Pritchard determined to march another road, leading to Irwinsville by a more circuitous route. Why he did not send a courier on the trail pursued by Colonel Harnden, to notify the latter of his intentions, has not been explained. This would probably have prevented the collision which afterwards occurred between his regiment and that of Colonel Harnden, and would not have rendered the capture of Davis less certain. This is not intended to reflect upon the conduct of Colonel Pritchard, for it is believed that this omission was simply an oversight which might have occurred to any confident and zealous officer. In carrying out the plan which he had adopted, Colonel Pritchard selected from his regiment seven officers and 128 men, and at 4 o'clock began the pursuit, leaving the balance of his regiment under the command of Captain Hathaway, with orders to picket the river and scout the country in accordance with previous instructions. The route pursued by Colonel Pritchard led down the river nearly 12 miles to a point opposite Wilcox's mill, and thence southwest for a distance of 18 miles, through the pine forest to Irwinsville. He reached this place at 1 a. m. of the 10th, and by representing his command as the rear guard of Davis's party he succeeded in learning from the citizens that the party which he was searching for had encamped that night at dusk about a mile and a half out on the road towards Abbeville. Having secured a negro guide he turned the head of his column towards that place, and after moving out to within a half mile of the camp, halted, and dismounted 25 men under Lieutenant Purinton. This party were directed to move noiselessly through the woods to the north side of the camp, for the purpose of gaining a position in its rear, and preventing the possibility of escape. In case of discovery by the enemy they were directed to begin the attack, from wherever they might be, while Colonel Pritchard would charge upon the camp along the main road. Lieutenant Purinton having reached the point assigned him without exciting an alarm, the attack was delayed until the first appearance of dawn, at which time Colonel Pritchard put his troops in motion, and continued his march to within a few rods of the camp, undiscovered. Having assured himself of his position he dashed upon the camp

without delay, and in a few moments had secured its occupants and effects, and placed a guard of mounted men around the camp, with dismounted sentries at the tents and wagons. No resistance was offered, because the enemy had posted no sentries, and were therefore taken completely by surprise.

Almost simultaneously with this dash of Colonel Pritchard and his detachment, sharp firing began in the direction of Abbeville and only a short distance from the camp. This turned out to be an engagement between the party under Lieutenant Purinton and the detachment of the 1st Wisconsin cavalry, which it seems had followed the rebel trail the night before till it was no longer distinguishable in the dark, had gone into camp only two or three miles behind the party they had been pursuing so long, and had renewed the pursuit as soon as they could see to march.

Both Colonel Pritchard and Colonel Harnden were informed that Davis had been reported as having with him a well-armed body-guard of picked men, variously estimated at from 10 to 50. They therefore expected desperate resistance, and hence in the collision which occurred the men of both detachments seemed inspired by the greatest courage and determination. It was several moments before either party discovered that they were fighting our own people instead of the enemy. In this unfortunate affair two men of the 4th Michigan were killed, and one officer wounded, while three men of the 1st Wisconsin were severely and several slightly wounded.

It is difficult, under the circumstances as detailed, to perceive how this accident could have been avoided; Colonel Harnden certainly had no means of knowing and no reason to suspect that the party whom he found in his front were any other than the rebels he had been pursuing, while Colonel Pritchard claims that he had cautioned Lieutenant Purinton particularly to keep a sharp lookout for the 1st Wisconsin, which he knew would approach from that direction.

The hurry with which my command was subsequently mustered out of service, and the absence of the principal officers, prevented an investigation of the details of this affair, and the circumstances which led to it. At this late day nothing more can be said of them than what is contained in the official documents already submitted, except that not the slightest blame was ever intended to be cast by me upon Colonel Harnden, as seems to have been assumed by the commission convened by the Secretary of War for the purpose of awarding the prize offered for the capture of Davis.

From the foregoing narrative it will be seen that the first perfectly reliable information in regard to the movements of Davis was that sent in by Lieutenant Joseph O. Yeoman, of General Alexander's staff: that the route actually pursued by Davis and his party after leaving Washington was first discovered by Lieutenant Colonel Harnden at Dublin, and that the capture was actually made one mile and a half north of Irwinsville, Georgia, at dawn of May 10, by Lieutenant Colonel Benjamin D. Pritchard, with a detachment of seven officers and 128 men of the 4th Michigan cavalry. These facts should have been fully developed before this time, but owing to the disbandment of my command, it was impossible, till quite recently, to obtain the reports of subordinate officers.

In my correspondence with the War Department just after the capture, I recommended, probably without due consideration, that the reward of \$100,000 offered by the President for the capture of Davis (or that part of it remaining after the families of the men killed in the pursuit had been amply provided for) should be divided according to the law of prize among the actual captors, and that Colonel Harnden and his men should receive medals of honor specially commemorating the part they had taken in the pursuit. This recommendation has not been carried into effect, but the commission, of which General Townsend was president, disallow the claims of Colonel Harnden, and recommend that the members of the 4th Michigan cavalry, scouting and picketing the Ocmulgee river over 30 miles north of Irwinsville, as well as "the actual captors," shall be included in the distribution of the reward, on the ground that they were performing service of a "most important precautionary character." With just as much reason every other man of the entire cavalry force then on duty in Georgia should also be included in the distribution, as they were performing service of "a most important precautionary character incidental to the immediate purpose of the expedition, and such as could not, without an imputation of neglect of duty, have been omitted to be provided for." Colonel Harnden and his detachment, who were actually within gun sound of the capture, certainly deserve more consideration in this case than any one who remained behind, no matter upon what duty he was engaged. I am therefore compelled, in equity and justice, to respectfully recommend, in the further consideration of this matter by the proper authorities, that the strict law of prize be observed. Under this law it seems to me that Colonel Harnden and Lieutenant Yeoman should receive share and share alike with the officers who were actually present at the capture.

Colonel A. J. Alexander, of the regular army, and late brevet brigadier general of volunteers, commanding a brigade in General Wilson's cavalry, in his

report to that officer, dated Fort Union, New Mexico, November 8, 1866, states as follows :

Shortly after the armistice between Generals Sherman and Johnston, I was ordered to send one regiment of my brigade to Atlanta, rapidly, to apprehend Davis, who was reported moving in that direction with an escort of cavalry. I accordingly sent the 1st Ohio cavalry, (Colonel B. B. Eggleston commanding.) A few days after I was ordered to move to the same point with the remainder of my brigade. Previous to this movement I obtained permission from the major general commanding the corps to send an officer and 20 men, disguised in rebel clothing, to meet Davis, watch, and if possible capture him. This delicate operation I intrusted to Lieutenant Joseph O. Yeoman, a dashing young officer of the 1st Ohio cavalry, of great intelligence and coolness, and who was at that time acting as inspector general of my brigade.

Lieutenant Yeoman moved rapidly to northeastern Georgia, where he met and joined Davis's escort, consisting of Debrill's division of cavalry. He marched with them two or three days, but could not get an opportunity of seizing on the person of Davis on account of the close watch on every one who approached his person.

At Washington, Georgia, (I think,) the forces under Debrill heard that Atlanta was occupied by our troops, and that they could not pass that point without a fight; accordingly, disbanded during the night, and sought their homes in small parties. Lieutenant Yeoman scattered his men among the various bands to try and get some trace of Davis, but for 24 hours was unsuccessful. He finally found he had abandoned the idea of going into Alabama, and was making south to leave the country. Lieutenant Yeoman kept the command at Atlanta advised of all his movements, and the commanding officer advised the major general commanding the corps by telegraph. When the information came to Atlanta that the command of Debrill had scattered, and that Davis was trying to escape in disguise, I took 500 picked men and horses of my command, crossed to the right bank of the Chattahoochee, occupied all the fords below the railroad, the passes in the Allatoona mountains, and the main crossings of the Etowah river. I also patrolled the main roads day and night, arresting every one passing, until I heard Davis had been arrested by a regiment sent out by the major general commanding the corps.

I trust Lieutenant Yeoman will receive some recognition of his services, as he was the only officer who really risked his life; and I believe the information furnished by him caused the major general commanding to send out the party that made the arrest.

The statement of Lieutenant Colonel Harnden, under oath, was made before the Committee of Claims on the 29th of January, 1867, as follows :

Henry Harnden, late lieutenant colonel of the 1st Wisconsin cavalry, being called before the congressional Committee of Claims, and being duly sworn, deposes and says: That, on the 6th day of May, 1865, he (Lieutenant Colonel Harnden) was ordered to report in person at the headquarters of Brigadier General Croxton, commanding 1st division cavalry corps, military division of the Mississippi, at Macon, Georgia; that he (Lieutenant Colonel Harnden) did report forthwith as ordered, and received from General Croxton certain orders, to wit: To take one battalion of the 1st Wisconsin cavalry and proceed in search of Jefferson Davis; to march immediately; to go to Jeffersonville; from thence to Dublin; thence to go toward Millen, and on to the Savannah river, leaving detachments of men at the most important cross-roads; but, in case that he (Lieutenant Colonel Harnden) obtained any information of said Jefferson Davis, then to pursue and capture him (Davis) if possible. That, in obedience to such orders, he (Lieutenant Colonel Harnden) did detail one battalion of his regiment, consisting of 148 men and 3 officers, and began his march from Macon, Georgia, at 6 o'clock p. m. May 6, 1865, proceeding to Jeffersonville, distance about 25 miles; he (Lieutenant Colonel Harnden) left Lieutenant C. Hewit, with 30 men, and proceeded with the balance of his command to Dublin, arriving about 5 o'clock p. m. May 7. Distance from Macon 55 miles.

The day was intensely hot and roads sandy; the men and horses were much exhausted. The command bivouacked near the ferry. During the night information, which was deemed reliable, was received by Lieutenant Colonel Harnden from a negro man that some wagons had passed during the day through the town, and that they had gone south on the river road. This information was confirmed, yet later in the night, by another negro, who stated that the party was that of Jefferson Davis and his wife. The negro further stated that he had heard one of said party addressed as President Davis and one of the ladies as Mrs. Davis, and that they had come across the Oconee river ferry, and left Dublin, going south, about 12 o'clock (noon) that same day, which was May 7, 1865. Acting upon this information, he (Lieutenant Colonel Harnden) immediately detailed Lieutenant Lane, with 45 men, to remain at Dublin and watch the ferry and patrol the cross-roads, starting himself with the balance of his command in pursuit of Davis.

On the outskirts of Dublin some delay was caused by the darkness and the difficulty in finding the right road, so that it was daylight before the pursuit was fairly commenced. When five miles from Dublin and at the crossing of Turkey creek, he (Lieutenant Colonel Harnden) obtained information which rendered it almost certain that Jefferson Davis was

with the party ahead. The pursuit was now pressed with vigor, as the trail of the wagon could be plainly seen. The country through which this day's march led was a wilderness of pine woods and swamps, with scarcely any inhabitants. At the time of leaving Turkey creek it commenced to rain and continued to fall heavily during the day. During a portion of the day the tracks of the wagons were lost, but by pressing a guide, he (Lieutenant Colonel Harnden) was enabled to continue the pursuit through the swamps of the Alligator creek and on until after dark, when the command bivouacked on the borders of Gum swamp.

Before daylight, May 9, the pursuit was begun and continued to the Ocmulgee river, where a crossing was effected about noon that day at Brown's ferry. At this point it was ascertained that the Davis party had left at 1 o'clock that morning and gone in the direction of Abbeville, and to Abbeville the pursuit was continued, where it was ascertained that the Davis party had called at a house and inquired the way to Irwinsville, and the trail of the wagons led in that direction. They had passed before daylight. At this place a short halt was ordered to feed the horses with corn. Just as the command was leaving Abbeville, (the scouts had already gone on,) four men appeared in sight on the Hawkinsville road, dressed in the United States uniform. He (Lieutenant Colonel Harnden) inquired of them who they were, and was informed that they belonged to the 4th Michigan cavalry, Lieutenant Colonel Pritchard commanding; and that Lieutenant Colonel Pritchard, with his regiment, was advancing on the Hawkinsville road, and only a short distance away. He (Lieutenant Colonel Harnden) ordered Lieutenant Clinton to press on after the Davis party, and rode himself, attended by his orderly, to meet Lieutenant Colonel Pritchard. That, at meeting Lieutenant Colonel Pritchard, he (Lieutenant Colonel Harnden) introduced himself, and inquired if Lieutenant Colonel Pritchard had any information in regard to Jefferson Davis, and was told by Lieutenant Colonel Pritchard that he had none. He (Lieutenant Colonel Harnden) then gave to Lieutenant Colonel Pritchard all the information in his (Lieutenant Colonel Harnden's) possession in regard to Jefferson Davis, and informed him (Lieutenant Colonel Pritchard) that he (Lieutenant Colonel Harnden) with his command had struck the trail of said Davis and had been then two days in pursuit, and also that Davis, with a party and some wagons, had passed Abbeville that same morning and gone toward Irwinsville; and also that his (Lieutenant Colonel Harnden's) command had then gone on towards Irwinsville in pursuit.

He (Lieutenant Colonel Harnden) further informed him (Lieutenant Colonel Pritchard) that there was another party of confederates with wagons on the other side of the river, and that they, the confederates, probably were a part of Jefferson Davis's party, and that they would most probably try to cross the river below. He (Lieutenant Colonel Pritchard) then informed him (Lieutenant Colonel Harnden) that he (Lieutenant Colonel Pritchard) with his regiment were also out after Davis, but, up to that time, had heard nothing of said Davis, and also that he (Lieutenant Colonel Pritchard) had orders to encamp at Abbeville and patrol the Ocmulgee river and guard the ferries on said river. That he (Lieutenant Colonel Harnden) then parted with Lieutenant Colonel Pritchard, and with his orderly hastened on and rejoined his (Lieutenant Colonel Harnden's) command, and continued the pursuit of Davis in the direction of Irwinsville until some time after dark, (probably about 9 o'clock p. m. ;) when, coming to water, he (Lieutenant Colonel Harnden) ordered a halt and the horses to be grazed for a short time (as there was no corn) and some food prepared for the men, with orders that no noise should be made, and for all to be ready to start at 3 o'clock in the morning.

At 3 o'clock a m., May 10, the march was resumed. He (Lieutenant Colonel Harnden) selected a sergeant and six picked men to lead the advance, and gave said sergeant particular instructions to proceed with caution, and to look out for the rebel pickets and report to him (Lieutenant Colonel Harnden) instantly the first indications that might be discovered of the enemy.

After marching a mile, or possibly two, the advance was suddenly ordered, by a voice a few yards ahead of them, to halt and dismount, when, instead of its being obeyed by the sergeant, he endeavored to retreat. A heavy volley was fired upon them, (the sergeant and his party,) which was almost instantly followed by a second volley from the same unseen source, wounding three of the seven men composing the advance. That he (Lieutenant Colonel Harnden) then gave orders for his command to take the trot, dashing ahead at a gallop with 10 men to reconnoitre, when another and third volley was fired upon the Wisconsin men. That at this time it was quite dark, and the opponents could only be seen by the fire from their guns. That he (Lieutenant Colonel Harnden) very soon formed a line, dismounting a part of his command, and pressed on the enemy vigorously, driving them into a swamp, which lay to the right of the 1st Wisconsin. At this time a large force of mounted men were seen approaching more to the left of the 1st Wisconsin men. That he (Lieutenant Colonel Harnden) ordered Sergeant How, of the 1st Wisconsin cavalry, with 10 men, to pursue the dismounted force of the enemy, who had disappeared into the swamp aforementioned.

At this time it was getting to be light, and the enemy could be plainly seen. Brisk firing now took place between both parties, the enemy being gradually driven back. At this period of affairs Sergeant How came running to him, (Lieutenant Colonel Harnden,) saying that he (Sergeant How) had captured a prisoner, and that their opponents were the 4th Michigan

cavalry. That he (Lieutenant Colonel Harnden) instantly gave orders to stop firing, which soon ceased on both sides. That he (Lieutenant Colonel Harnden) then rode a few yards and met Lieutenant Colonel Pritchard, and asked him (Lieutenant Colonel Pritchard) how he came to be there fighting them, (Lieutenant Colonel Harnden and his party.) Lieutenant Colonel Pritchard explained that after parting with Lieutenant Colonel Harnden the day previous, at Abbeville, he (Lieutenant Colonel Pritchard) had selected a portion of his best mounted men, and taking the river road, and then by the way of House mills, had arrived near Irwinsville, when learning that a wagon party was camped out on the Abbeville road a short distance, he had sent a lieutenant and party of men dismounted across on to that road in the rear of the wagon party's camp, and it was this party of his command that had fired upon them, (Lieutenant Colonel Harnden and his party;) and further, that while the fight was going on a portion of his (Lieutenant Colonel Pritchard's) command had captured the wagon train near at hand. That he (Lieutenant Colonel Harnden) then inquired if Jefferson Davis was captured. That Lieutenant Colonel Pritchard replied that he did not know who was captured. That he (Lieutenant Colonel Harnden) and Lieutenant Colonel Pritchard then rode in company across a narrow strip of swamp, a distance of about 50 yards, where they (Lieutenant Colonel Pritchard and Lieutenant Colonel Harnden) found Jefferson Davis and family, with other officials of the so-called confederate government, and wagon train, in the hands of and guarded by a portion of the 4th Michigan cavalry. That after resting a couple of hours or so, and caring for the wounded, both commands began their return march to Macon, arriving on the 13th day of May, 1865.

That he (Lieutenant Colonel Harnden) further says that he (Lieutenant Colonel Harnden) had received no intimation from Lieutenant Colonel Pritchard or any one else that he (Lieutenant Colonel Pritchard) intended to go to Irwinsville, or to pursue Jefferson Davis; but, on the contrary, was distinctly told by Lieutenant Colonel Pritchard that his (Lieutenant Colonel Pritchard's) orders were to camp at Abbeville and patrol the Ocmulgee river and guard the ferries; and further, he (Lieutenant Colonel Harnden) says that when first fired upon, and all during the fight, he sincerely believed that his opponents were the escort of Jefferson Davis; and that the first intimation which he (Lieutenant Colonel Harnden) had of there being any Union troops nearer than Abbeville was from Sergeant How, of the 1st Wisconsin cavalry; and further, he (Lieutenant Colonel Harnden) says that the collision and capture of Jefferson Davis aforementioned occurred near Irwinsville, Irwin county, State of Georgia, and 25 miles south of Abbeville aforementioned. That upon his (Lieutenant Colonel Harnden's) return to Macon, Georgia, on the 13th day of May, 1865, he made an official report to General Croxton, from whom he (Lieutenant Colonel Harnden) received his orders, of his doings during the pursuit and capture of Jefferson Davis. That said report was forwarded through the proper channels to the Adjutant General of the army, and said report is essentially the same and agrees with this statement.

And he (Lieutenant Colonel Harnden) further says that the collision with the 4th Michigan cavalry aforementioned, in his opinion, was not caused by any fault or negligence on the part of any member of the 1st Wisconsin cavalry; that the sergeant in command of the advance of the 1st Wisconsin cavalry acted as a soldier should always act under such circumstances, and that three distinct and heavy volleys were fired by the 4th Michigan cavalry before a shot was returned by the 1st Wisconsin cavalry, and that a constant firing was kept up by both parties from the time that the engagement commenced until he (Lieutenant Colonel Harnden) ordered the firing to cease on the part of the 1st Wisconsin cavalry; and further, it is the firm belief of him (Lieutenant Colonel Harnden) that had not the 1st Wisconsin cavalry been fired upon and checked for a time, they (the 1st Wisconsin cavalry) would have been in the camp of Davis and effected his capture as soon or even sooner than it was effected.

Major General Thomas, military commander of the department of the Cumberland, in his report to the Lieutenant General, dated Nashville, June 1, 1868, states the circumstances as follows:

On the 3d of May Davis dismissed his escort at Washington, Georgia, and accompanied by about half a dozen followers set out to endeavor to pass our lines. *Nothing definite was learned of the whereabouts of the fugitives until, on the evening of the 7th of May, the 1st Wisconsin cavalry, Lieutenant Colonel Henry Harnden commanding, with 150 men, ascertained at Dublin, on the Oconee river, 55 miles southeast from Macon, that Davis and party had crossed the river at that point during the day, and had moved out on the Jacksonville road.*

At daylight on the 8th Colonel Harnden continued the pursuit, finding the camp occupied by Davis on the evening previous between the forks of Alligator creek, which was reached just four hours after it had been vacated. *The trail was pursued as far as the ford over Gum Swamp creek, Pulaski county, when darkness rendered it too indistinct to follow, and the command encamped for the night, having marched 40 miles that day.*

On the 9th Colonel Harnden pushed on to the Ocmulgee river, crossed at Brown's ferry, and went to Abbeville, where he ascertained Davis's train had left that place at 1 a. m. that same day, and had gone towards Irwinsville, in Irwin county.

With this information Colonel Harnden moved rapidly on towards the latter town, halting within a short distance of it to wait for daylight in order to make certain of the capture.

Before leaving Abbeville Colonel Harnden, learning of the approach from the direction of Hawkinsville of the 4th Michigan cavalry, Colonel Pritchard commanding, went to meet that officer, and informed him of his close pursuit of Davis; Colonel Pritchard stating in reply that he had been sent to Abbeville also to watch for Davis. After Colonel Harnden's departure Colonel Pritchard, with part of his command, started for Irwinsville by a more direct route than that used by the detachment of the 1st Wisconsin, arriving at Irwinsville at 2 a. m. on the 10th, where, on inquiry, it was ascertained that there was a camp about a mile from town on the other road leading to Abbeville. Approaching cautiously, for fear it might be our own men, Colonel Pritchard sent a dismounted party to interpose between it and Abbeville, and then waited for daylight to move forward and surprise the occupants. Daylight appearing, a rapid advance was made and the encampment surprised, resulting in the capture of Jefferson Davis and family, John H. Reagan, postmaster general of the so-called confederacy, two aides-de-camp, the private secretary of Davis, four other officers, and 11 enlisted men.

Almost immediately after the completion of the above movement Colonel Harnden's men, coming down the Abbeville road, were hailed by the party sent out during the night by Colonel Pritchard to secure the capture of the camp, and on being challenged answered "friends," but fell back under the impression that they had come upon an enemy, whereupon shots were exchanged before the real position of affairs could be ascertained, resulting in the loss on one side of two men killed and one wounded, and of three wounded on the other. Considerable feeling was caused by the manner in which the 4th Michigan effected the apprehension of Davis, to the detriment of Colonel Harnden's party, *but great credit is justly due, and should be given, to the 1st Wisconsin cavalry for the persistency of its pursuit, &c.* (See 1st vol. Supplemental Report, Conduct of the War, pp. 432, 433.)

From this testimony may be gathered the facts of the capture of Jefferson Davis, and the merits of the *contest* between the 4th Michigan and 1st Wisconsin regiments. That contest was one of true chivalry, in which both parties rendered the most honorable service in the field, and it ought not, in the opinion of the committee, to be now degraded into a *controversy* for the pecuniary reward.

The additional affidavits of Lieutenant Clinton, Colonel Harnden's officer, and Privates Aplin and Wright, of the same regiment, citizens of Wisconsin, are reported in H. Mis. Doc. 82, detailing particularly the circumstances of their march, and of the collision at the time of the capture with the men of the 4th Michigan. That evidence is not deemed important, but immaterial to the inquiry of the committee. Remote and possible questions of military error or neglect on the part of either of said commanding officers are not regarded as worthy of consideration. Both are believed to have been actuated by high motives, without the expectation of reward. Both did their duty equally well, and with such nearly equal fortune and success in the enterprise of capturing Jefferson Davis that the officers and men of both regiments, present at the capture, are entitled, in the opinion of the committee, to equal merit as soldiers, and ought to be awarded equal shares, according to rank, in the proffered reward.

The attention of the committee was called by the historical evidence and direct testimony before it, to the important services rendered by Captain Joseph A. O. Yeoman, and his statement under oath was required, which was made as follows:

FORT DODGE, IOWA, February 19, 1868.

To the Committee of Claims of the House of Representatives:

I beg to state that on the 3d of May, 1865, at Macon, Georgia, General Alexander, commanding 2d brigade, 4th division cavalry corps, middle department Mississippi, received an order from Major General Wilson to send out an officer with a detachment of picked men, dressed in rebel uniform, to penetrate the rebel lines and give reliable information to the major general commanding of the whereabouts of Jefferson Davis. I was serving at that time with General Alexander as acting assistant inspector general of his brigade, and was selected by him to perform this special service. Permission was given me to make a detail at my discretion, and I detailed by a verbal order 30 or 33 men from the 1st and 7th Ohio and 5th Iowa cavalry regiments. A large number of the men were from the 1st Ohio, as I was a lieutenant (holding a captain's commission, however) in that regiment, and knew the most reliable and courageous men of that command, personally, better than of any other regiment. Reporting to General Wilson, personally, for instructions, I received orders to move rapidly out on the road to Clinton, Monticello, Greensboro', Washington, and Lincolnton, Georgia, and Abbeville, South Carolina, and to transmit to his headquarters all reliable information of the movements of Davis which could be obtained. If I should discover his whereabouts, to hang on his trail; if his escort was too large to capture and to carry him off, to send a courier

to the major general commanding who would immediately, send out force enough "to bust it up and effect his capture."

I moved as directed, passing through Clinton and Monticello without halt and arriving at Park's ferry at dark on the 4th following. Here I met straggling portions of the rebel army, numbers of whom were using the ferry, compelling me to wait some three hours to cross my command, which I occupied in feeding horses and gaining such information as led me to believe that I was close upon Davis's escort and might probably discover it during the night. The ferrying of the command, two men and horses at a time, occupied several hours of the night, and when it was nearly transferred, one man, by indiscreet conversation, so aroused the suspicion of the rebels, who had just crossed and were in camp, that we were threatened with an attack, which I prepared to meet promptly, and was thus left finally unmolested, and completed the crossing about 2 o'clock a. m. of the 5th. Immediately pushed forward towards Greensboro', reaching the outskirts of that village within an hour of day-break. Halted an hour and moved on through Greensboro' and out on the Washington, Georgia, road, where I soon after met straggling troops who had been paid off by Davis on the 3d previous and had seen and left him on the evening of that day at Washington. Immediately despatched to General Wilson, giving him all the information: I was then possessed of that Davis had been at Washington on the 3d, that his route was southward, and that in my opinion he would pass down through Georgia and Florida to the south Atlantic coast, avoiding our troops by a detour to the east, if necessary, and suggesting, from my information, that I thought a party ought to be sent eastward of Macon, to intercept his retreat in that direction. This despatch was sent by Sergeant John Cannon and Private William Hampden, of company C, 1st Ohio, with directions to carry the despatches direct, and kill their horses if necessary and press others. They rode upwards of 110 miles and swam the Oconee river inside of 24 hours, and placed the information in the hands of Major General Wilson, upon which, I have reason to believe, he subsequently acted.

Again moved forward on the 5th to Union Point, where I met a brigade of Debrill's and a brigade of Ferguson's divisions of mounted rebels. Dividing my men up into small detachments, I watched these troops closely, mingled with all their squads and detachments, spending all the day and part of the night in my endeavors to find out the position and locality of Davis. I had despatched men to picket all the fords and crossings of the Oconee.

Both the men and myself were questioned closely at various times, and only escaped arrest by suddenly changing locality. On the 6th I heard various rumors of Davis moving northward towards the upper crossing of the Chattahoochee—of his having a picked escort to accompany him, but towards evening was convinced to the contrary, and sent off to Major General Wilson, by two couriers, information confirmatory of my previous despatch. About dark I quartered my men on some rebel families, and they got the first to eat since their days' rations were exhausted. That night was spent in the saddle, the men being on the borders of the Oconee river; one of them, Ripley M. Wahn, private company A, 1st Ohio, stationed at a bridge, was challenged and examined by the rebel General Bragg, but passed muster as a faithful confederate. The 7th, 8th, and 9th, both night and day, were spent in scouting down the east side of the Oconee river through Greene, Hancock, Putnam, and Washington counties, scrutinizing every detachment of disbanded rebel troops and throwing forward scouts at lower crossings of the river and of the many country roads in this portion of Georgia. My line was very little to the right and rear of Davis's route of retreat, and confirmed my despatches and the information sent to the general commanding of the direction to send troops to intercept the fugitive.

The men under me performed every duty, however dangerous, without a murmur. They were in the saddle four days and nights, and five days succeeding in day time only. For security we marched in rebel uniform and without haversacks or rations, subsisting upon what we could precariously obtain.

We several times narrowly escaped detection and capture as spies from the indiscreet conversation of two of the men and the pertinacity of following up the trail of Davis. Two of the most meritorious of the men, Corporal John Gotts, company E, 7th Ohio, and Private A. Riley Kennard, of company I, 1st Ohio, were attempted to be arrested, but refused to surrender and were both shot, one through the face and the other through the side, notwithstanding which they kept their saddles and rejoined the command, and have since recovered from their wounds. The reward offered for the capture of Davis was not known in the command until the 10th or 11th of May.

This brief narrative of the incidents of the expedition is furnished from my memorandum, and as to dates and circumstances I believe to be perfectly accurate.

It is hereby respectfully submitted to the Committee of Claims of the House of Representatives.

JOSEPH A. O. YEOMAN,
Late Captain 1st Ohio Cavalry.

On this 19th day of February, 1868, personally appeared before me the above named Joseph A. O. Yeoman, to me well known, and made oath that the above statement is true. I further certify that the affiant is credible and entitled to belief.

[SEAL.]

W. LUMPKIN,
Clerk of the District Court Webster County, Iowa.

I certify that I am acquainted with Joseph A. O. Yeoman, who is reported in the official reports of Generals Wilson and Alexander on the capture of Jefferson Davis as Joseph O. Yeoman, and I further certify that his full name is Joseph A. O. Yeoman.

CHAS. B. RICHARDS,

Register U. S. Land Office, Fort Dodge, Iowa.

The following incomplete roster is all that the committee has been able to gather of the names, rank, regiment, and places of residence of the detail accompanying Captain Yeoman on his expedition.

No.	Names.	Rank, company, and regiment.	Residence.
1	George P. Barnes, Jr..	Sergeant Co. A, 1st Ohio cavalry.	New Holland, Ohio.
2	John W. McElwaine..	Quartermaster Sergeant Co. A., 1st Ohio cavalry.....	Maysville, Missouri.
3	Samuel Robertson...	Corporal Co. A, 1st Ohio cavalry.	Richwood, Ohio.
4	Ripley M. Woln.....	Corporal Co. A, 1st Ohio cavalry.	Staunton, Ohio.
5	Henry T. Ressler.....	Private Co. A, 1st Ohio.....	Perrysburg, Indiana.
6	Samuel J. Rice.....	 do	Turtle Creek, Missouri.
7	Spencer C. Phores.....	 do	Staunton, Ohio.
8	George W. Blair.....	 do	East Monroe, Ohio.
9	John Comm.....	Sergeant Co. C, 1st Ohio.....	Cincinnati, Ohio.
10	William Hampden....	Private Co. C, 1st Ohio.....	Do.
11	John W. Newlove....	Com. Sergeant Co. D, 1st Ohio..	Marysville, Ohio.
12	William Powers	Private Co. D, 1st Ohio.....	Sonora, Illinois.
13	Bushrod W. Click	Private Co F, 1st Ohio.....	Millersport, Ohio.
14	Thomas W. Kennard *	Private Co. I, 1st Ohio.....	Perne, Indiana.
15	William Place.....	 do	Piqua, Ohio.
16	John Young.....	Private Co. K, 1st Ohio.....	Marysville, Ohio,
17	Lee Wood.....	Private Co. E or L, 7th Ohio....	Ripley or Gallipolis, Ohio.
18	John Gotts†	Corporal Co. E, 7th Ohio.....	Lithopolis, Ohio.
19	Thomas H. Wright...	Private Co. E, 5th Iowa.....	West Liberty, Iowa.
20	Unknown.....	Private Co. B, 1st Ohio.....	
21	Do.....	Private Co. E, 1st Ohio.....	
22	Do.....	Private Co. G, 1st Ohio.....	
23	Do.....	Private Co. H, 1st Ohio.....	
24	Do.....	Private Co. M, 1st Ohio.....	
25	Do.....	Private Co. L, 7th Ohio.....	
26	Do.....	Private Co. G, 5th Iowa.....	
27	Do.....	Private Co. L, 5th Iowa.....	

* Wounded by shot through the breast.

† Wounded by shot through the face.

In review, it appears that the first and most important service was that of planning the capture, disposition of troops, and the special instructions to subordinate officers which resulted in the success of the enterprise. That this duty was performed in a skilful manner by Major General Wilson is not doubted. That he made no claim for a share of the reward does not, in the opinion of the committee, lessen his merit or the value of his services as a man and an officer.

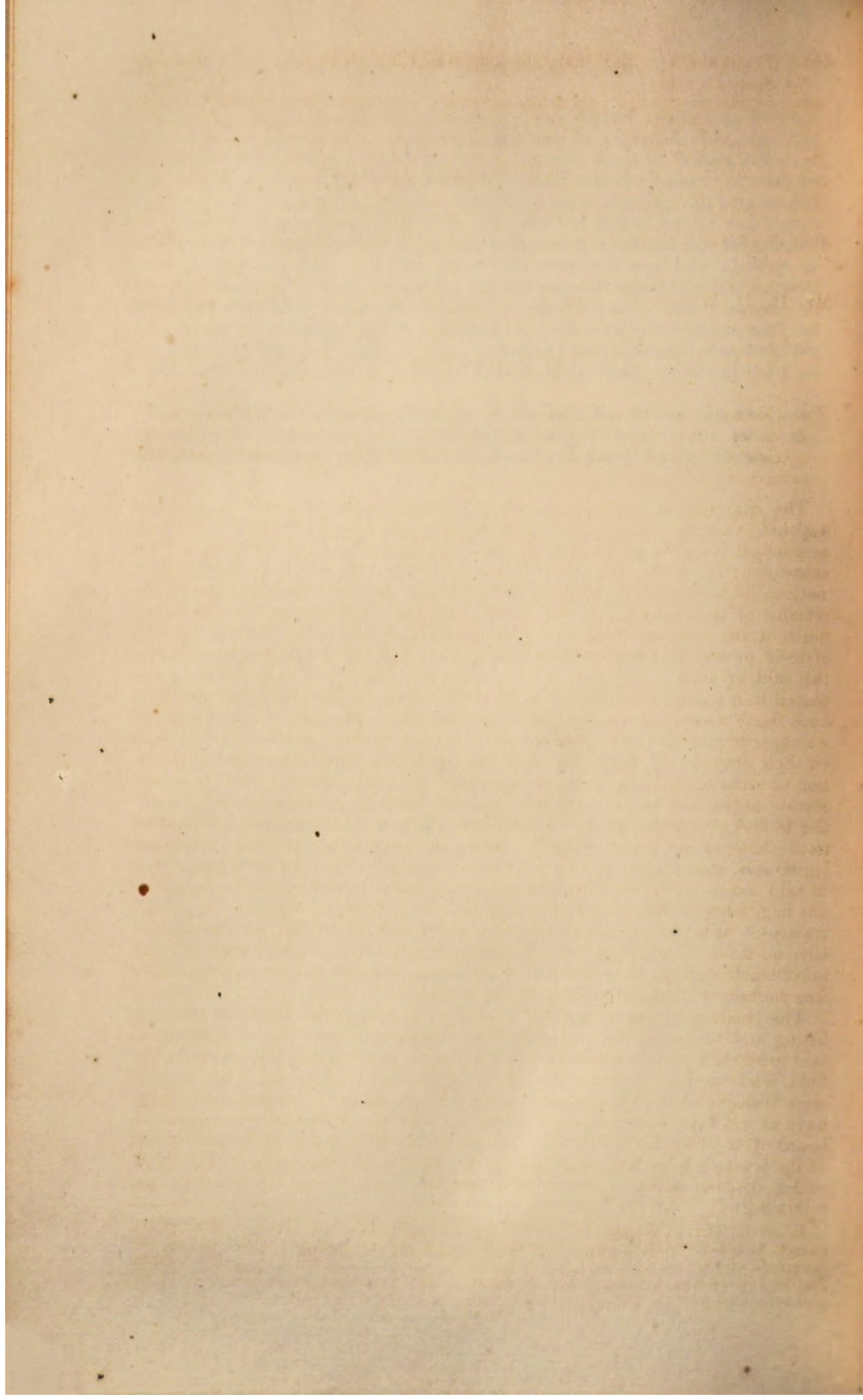
It is known that Clement C. Clay, of Alabama, for whom a reward of \$25,000 was offered in the same proclamation with that of Davis, voluntarily surrendered to General Wilson, but for that reason alone a claim for his arrest ought not to be entertained. But for this arrest it is believed that he is entitled to reward.

The service of next importance is regarded as that of Captain Yeoman, of the 1st Ohio cavalry, and his detachment of scouts and spies, who made the first discovery and gave the first information which led to the capture. The march of this officer was almost unexampled for celerity and self-denial, even for mounted soldiers. No application was made in his behalf, and the narrative of his march is in reply to the inquiry addressed him by the chairman of this committee.

As to the remaining question between the two cavalry regiments, the committee unanimously agree to recommend that they be regarded alike, and that the commanding officers be awarded equal shares with General Wilson and Captain Yeoman for equally meritorious services, and that the amount to each be fixed at the sum of \$3,000. In thus arbitrarily recommending this sum for the four principal officers, it is admitted that all rules but that of equity and justice are set aside, but it is regarded as not too small, and it is insisted that the officers' share should not be large. In this respect the navy rule would do injustice, as between officers and the men, and the military pay-rule equal injustice between the officers mentioned, while their services are regarded as so nearly equal.

To all the other officers and men, present, of both cavalry regiments, and the detachment of Captain Yeoman, it is recommended that the remainder, \$88,000, be distributed according to the grade of each in the military service at the time of the capture.

The committee therefore recommend that the bills No. 60 and No. 268, with the memorials on the subject, hereby reported back, be laid on the table, and that the bill herewith be adopted as a substitute and passed by the House.



J. P. L. STRONG AND OTHERS.

JUNE 17, 1868.—Ordered to be printed, and recommitted to the Committee on Military Affairs.

Mr. H. D. WASHBURN, from the Committee on Military Affairs, made the following

R E P O R T.

The Committee on Military Affairs, to whom was referred the petition of J. P. L. Strong and others, late officers of Maryland volunteers, remonstrating against the burial of rebel dead in the cemetery at Antietam, respectfully submit the following report :

The cemetery at Antietam is not and never has been, except in name, a national cemetery. The original purchase was solely by the State of Maryland, as a burial place for all who fell on either side at the battle of Antietam. By a subsequent act of the Maryland legislature it was "devoted in perpetuity as a national cemetery for the purpose of the burial and final resting-place of the remains of the soldiers who fell at the battle of Antietam, or at other points north of the Potomac river during the invasion of Lee in the summer and fall of 1862, or who died in consequence of wounds received in said battle or during the said invasion." By said act the title and custody of said cemetery was placed in a board of trustees, four from the State of Maryland and one from each State making a donation to said cemetery. The duty of these trustees was specifically set forth in the fourth section of said act as follows: "It shall be their duty, out of funds that may come into their hands by State appropriation or otherwise, to remove the remains of all the bodies referred to in the second section of this act, and to have them properly interred in the aforesaid ground; the bodies of soldiers of the confederate army in a part of the ground separate from those of the Union army." Under the original act and this subsequent legislation, thus plainly setting forth the intention of burying confederate dead in said cemetery, but separate and apart from those who had fallen in defence of our flag, fourteen States made donations for the purpose set forth and appointed trustees. Whether the States so acting were deceived or not your committee have no means of knowing, but if they were deceived it must have been through inexcusable negligence on the part of their authorities, as full and explicit notice was contained in the charter, as we have shown.

The trustees, acting under this authority, expended the money so raised in fitting and preparing the grounds for the reception of the dead. In laying off said grounds a portion was appropriated to each State having loyal dead on the field, while no place was assigned to the others, and the remains of our soldiers were transferred to plots assigned to the different States. No confederate dead have as yet been buried in said cemetery. At the December session of the board of trustees this matter was brought to the attention of the board by one of the trustees from Maryland, and the fact that the charter, so far as the clause under discussion, had been entirely ignored. The board then passed the following:

Resolved, That in pursuance of the provisions of the fourth section of the act of Maryland, passed March 23, 1865, incorporating the Antietam national cemetery, this board do now designate and set apart for the burial of the confederate dead who fell in the battle of Antietam and in the first invasion of Lee, the southern portion of the grounds not now occupied, and separated from the ground devoted to the burial of the Union dead.

It may be well to state that the grounds so set apart were not included within the space laid out and devoted to the Union dead; but was the ground not included in the plot and survey, and separated from such plot by a wide carriage-way.

At a subsequent meeting of said board, May 6, 1868, said resolution was rescinded, and a committee appointed to purchase and enclose additional grounds adjoining the present cemetery for the purpose of interring the confederate dead therein, in accordance with the letter of the law of Maryland, and the southern States were invited to make appropriations.

Your committee do not deem it necessary to discuss the question whether Maryland acted wisely or not in making provision for the confederates, nor do they deem it necessary to say to the States donating that they were in error, as such discussion comes too late to remedy the evil, and believing that the trustees have only been carrying out the act of their incorporation in such a manner that it may give as little offence as possible to those whose friends falling in defence of our flag now sleep peacefully in said cemetery. They respectfully ask that said petition be laid upon the table, and that the committee be discharged from the further consideration of the subject.

HOGAN vs. PILE.

JUNE 18, 1868.—Ordered to be printed.

Mr. Cook, from the Committee of Elections, made the following

REPORT.

The Committee on Elections, to whom were referred the papers in the contested election case of John Hogan vs. William A. Pile, first district of Missouri, respectfully report :

The whole number of votes returned for the sitting member is.....	6, 728
For contestant.....	6, 510
Majority for sitting member.....	218

That such portions of the constitution and laws of the State of Missouri as have a bearing upon the questions presented are contained in the following extracts :

CONSTITUTION OF MISSOURI, ARTICLE TWO, SECTION FOUR.

[Extract.]

The general assembly shall immediately provide by law for a complete and uniform registration, by election districts, of the names of qualified voters in this State ; which registration shall be evidence of the qualification of all registered voters to vote at any election thereafter held ; * * * * after which no person shall vote, unless his name shall have been registered at least ten days before the day of the election.

REGISTRATION LAW, APPROVED DECEMBER 16, 1865.

[Extracts.]

SEC. 12. Immediately after the closing of such register the officer of registration shall make and certify two fair copies, alphabetically arranged, of the names of the qualified voters, as ascertained and determined by said board, one of which he shall deposit with the clerk of the county court on or before the next ensuing Saturday, and the other he shall deliver at or before the hour of 10 o'clock a. m. of that day, to some one of the persons who shall have been appointed to act as judges of the next ensuing general election in the election district for which the list was made, and shall take his receipt therefor. * * * The person to whom the said list shall have been delivered shall produce the same at the place of voting, and deliver it into the possession of the judges of the election at the time of opening the polls on the day of the ensuing general election. * * *

SEC. 13. The copy of said list so deposited with the clerk shall be subject to examination as other records of said court, but no such examination by any person not officially connected with the court shall be allowed, except in the presence of said clerk or his deputy.

SEC. 14. The officers of registration shall, as soon as may be, deposit with said clerk the original books of registration, which shall be kept and preserved among the records of the court, except when otherwise disposed of as hereinafter directed.

SEC. 17. When any person shall have voted, the judges of election shall, at the time, write opposite his name on the list the word "voted."

The election in this district was held at election precincts numbered from 24 to 42 inclusive.

The first point made in the brief of contestant is that at the election in the

30th election precinct the registry list used by the judges of election was not the list certified by the officer of registration, but that another list was used, upon which the votes were received and the word "voted" written opposite the voters' names, in pursuance of section 17 above quoted.

The facts, as the same appear in evidence before the committee, are as follows :

The registry lists certified by the officer of registration were alphabetized simply by the first letter of the name. In some instances more than a hundred names were recorded under a single letter. To remedy the inconvenience occasioned by the imperfect manner in which the list was arranged, and the consequent delay in finding the name of the voter and receiving the vote, the judges of election of the 30th election precinct, on the day and night prior to the election, caused the certified list to be copied, and in the copy made the names were alphabetized by the two first letters, so that the name could be more easily and readily found ; the names were numbered on the certified list and the numbers were transcribed on to the copy, so that where the name was found on the copy, by the aid of the number it could be more readily found on the certified list. (Testimony of John Green, Mis. Doc. 37, page 138.) Both the certified list and the copy made by the judges were present, and were used by the judges and clerks during the election. There is no evidence before the committee showing that the copy made by the judges was used to the exclusion of the certified list ; the returns were made on the certified list. See testimony of G. Sessingham, p. 139 ; also, the testimony of Charles P. Gould, p. 137, and of Milton H. Wash, p. 57.

The committee are of the opinion that the use of a more perfectly arranged copy of the certified registration lists by the judges, in connection with the original, for the purpose of facilitating the finding of the names of voters on the certified lists, and consequently making it possible to receive a much larger number of votes, did not render void the election, and if done in good faith was no more a violation of the law of Missouri than it would have been to have employed an expert clerk to have found the names of voters upon the certified list without delay, and thus have expedited the voting. But it is insisted that this copy was made for the purpose of fraud, and used to enable persons not properly registered to vote, and to prevent others who were registered from voting. To substantiate this charge it is necessary to show that the copy made by the judges differed from the certified list. The evidence on this point is as follows : John Green testifies, (Mis. Doc. 37, p. 138,) "We compared the newly arranged alphabetical list with the certified list by counting the names on each, and found that they agreed all through." Gustavus Sessingham, p. 139 : "I examined the two and found that they agreed." C. J. H. Hamig, p. 140 : "I know that the copies agreed."

C. P. Gould was duly sworn as a witness on the part of General Pile, and testified as follows :

Am 59 years of age ; am a carrier ; and live at 2612 North Eleventh street. On the day of election I was acting as a clerk of the election at the 30th district ; I was merely taking down the names of voters, and copying and numbering the ballots as they were put in. The books that were used there were the return books from the register, and they were copied onto other sheets and put in alphabetical order, that we might find the names readily. These copies that we used corresponded in every particular with the lists that were furnished. Whenever we had occasion to examine them—that is, the names that we copied from the original return list from the register—I frequently compared them, and found that they agreed in every particular. I had the original list in my hands most of the day, and when there was occasion to refer to them I generally did it. I don't remember any person in particular who applied to vote, and whose name was not found, but there were several whose names could not be found on the list. The register was there with his original list, and there were corrected returns made by the judges. In this matter there was no difference made between parties on account of politics. I know there were names of both parties found in that way, because I remember there was some ill feeling manifested with some men who came into the room, and one was Bob King ; it was his particular friends that he was vexed

to think couldn't vote, and they were corrected and returned, and they voted afterwards, and that was the way with both parties. The judges used the original certified lists for their returns.

The number of names on the list made by the judges was substantially the same as the number of names on the certified list, the only difference being that on the copy, in the place of one name is written the word "illegible", so that the only way in which the list made by the judges could be used for a fraudulent purpose would be by changing the names of the voters, so that the inquiry is now limited to the question, "Does it appear that any names on the list made by the judges were fraudulently substituted for other names which were upon the certified list?" The contestant alleges that a large number of persons voted from the judges' list whose names were not on the original or certified list, and he gives a list of 144 voters whose names he contends are not on the original or certified list. In determining this question it is necessary to understand how these lists were prepared. The original registry list was made by the voters' writing their own names upon it, together with their place of residence, at the office of the registering officer, and in his presence or that of his deputy. A large proportion of the voters of this election precinct are Germans, many of whom could not write their names in English, but wrote them in German, and many others attempted to give their names with an English sound, or as they would sound if spelled in English. The certified list was made by the registering officer from the original list, in alphabetized order, and was furnished to the judges of election; the number of the voter was put down on the original list at the time it was signed by the voter and was transcribed upon the certified list. The original registry was required to be kept open until ten days before the election; then there was a court of appeals, to revise the lists, composed of the supervisor of registration for the district and the precinct registering officer. This court of appeals adjourned on Friday previous to the election, and on Saturday the registering officers were required to deliver one alphabetical copy to the judges of election, and another to the county clerk.

Under these circumstances it was unavoidable that there should be errors in transcribing the lists, and when the voter came to the polls to vote and gave his name, which was taken down upon the voters' list by the sound, it is not strange that there should be differences in the spelling of the names, between the voters' list and the certified list. The alphabetized copy of the certified list made by the judges has not been furnished to the committee, and the only way by which the committee could ascertain whether names not on the certified list were improperly placed upon it has been a comparison of the voters' list with the certified list and with the original list. Of the 144 names which the contestant claims appear upon the voters' list, the committee find 124 corresponding names upon the original list; names varied in the spelling, and in some instances in the sound, but which the committee believe are the same names, and that in these cases where the sound of the name is changed it is owing to the fact that the sound of the German letters has not been preserved in transcribing the name in English letters. A list of these names is hereto attached, marked exhibit A.

Five names which are on the contestant's list as unregistered, the committee find on the original list and also on the voters' list as voting for contestant, viz: Fred. Place, number of ballot 453; Aug. Phelsadt, No. 510; Alfred Jennings, No. 619; F. Heppenbrock, No. 618; and John H. Bodie, No. 488.

The committee find 42 names on the voters' list of those voting for contestant which the committee have not been able to find on the original registry list, and they find that there are 34 names on the original list varying in the spelling and in the sound which are probably intended for the names on the voters' list, from the fact that in transcribing the German name the initial letter is in many cases changed in sound and sometimes in form; the committee are not prepared to say that the 42 names above mentioned of the voters are not on

the original list in some form.* About the same discrepancy appears between the certified list and the original list as between the certified list and the voters' list, and evidently occurring in the same way. The committee are therefore of opinion that it is not shown that there was any fraudulent substitution of voters' names at this election precinct. It is alleged by contestant that many persons were permitted to vote in this precinct whose names were not on the certified list. The facts in relation to this matter are as follows: Owing to the short time allowed by law for preparing the certified lists, some names which were on the original lists were omitted from the certified list. The names of some men of both parties, about sixty in all, were on the original list, and were not found upon the certified list when they offered to vote. The registering officer was there with the original list in his possession, and from it corrected the certified list, so that those persons who were entitled to vote could do so. See testimony of John Green, pp. 138-9; Charles P. Gould, pp. 137-8; Milton H. Wash, p. 57; Robert S. King, p. 32.

In the opinion of the committee it would have been an error to have refused to receive the votes of those persons who were properly registered, although their names were not on the certified list, and that having been received they ought not now to be rejected.

THIRTY-SEVENTH ELECTION PRECINCT.

It is claimed by contestant that the return from this precinct should be rejected because the original registry list was not returned to the office of the county clerk. The law requires that the officers of registration shall, "as soon as may be," deposit with the clerk the original books of registration. The only evidence before the committee that the original registry list was not returned, is as follows: "No. 21 registration book not returned to clerk's office, James C. Moody, judge." This certificate is without date and there is no proof before the committee when it was made.

The next paper is a copy of poll-book of the same election precinct, certified by S. W. Eager, clerk of the county court, which certificate is dated January 3, 1867. The election was held on the 6th day of November, 1866. Even if there was any proof before the committee that the original list had not been returned to the county clerk by January 3, 1866, the committee are not prepared to say, in the entire absence of proof of the circumstances of the case, that there was such violation of the law as would render the election void.

In the case of *Brockenborough vs. Cabell*, Contested Election Cases, page 86, the committee say:

The law of Florida requires that the return of votes given for a representative in Congress shall be returned to the secretary of state in 30 days next after an election. Your committee deem the provisions of the law only directory, and are of opinion that the votes returned after the 30 days should be counted as well as those returned within that time; a different construction might lead to bad results and tend to defeat the will of the people; a different construction would permit a corrupt officer to defeat the voice of a majority by his refusal to make the returns. It would subject the will of the majority to be defeated by an accidental loss of the returns.

It is alleged by the contestant that the county court arranged the voting precincts unfairly, and improperly discriminated against the contestant in so arranging the voting places, where his friends were in the majority, that the registered vote could not possibly be polled during the day of election. This complaint is especially made with reference to the 25th, 26th, 27th, and 28th precincts. The legislature had the power to fix the voting districts or to provide by law that the county court should do so, and the law of Missouri having imposed upon the county court the duty of establishing voting places, that court had the right to fix the number in its own discretion, and the exercise of that discretion can-

* Exhibit B is a list of votes for contestant not found on registry list.

not be reviewed. If, indeed, the court should fraudulently refuse to establish voting places in such a manner as to disfranchise the citizens for partisan purposes, it might be necessary to set aside the entire election; but it is manifest that there may be other reasons fairly influencing the county court in fixing the limits of the voting districts than the number of voters contained therein. One district may be small but so densely settled as to contain many more voters than another embracing a vastly larger territory. The fact that there are many more voters in one precinct than another is not proof of fraud in the county court. It is true that in the election precincts named many registered voters did not vote and many tried to vote and could not; but it must be remembered that this was the first election under the registry laws; the experiment had never before been tried, and that the fact that so many of the names on the registry were those of Germans, were written by the most in their own language, different in sound and orthography from English names, made it difficult to find them upon the registry lists, delayed the voting, and that no district was so large that if the registry had been of English names and alphabetized in a proper manner the whole vote could not easily have been taken. It should also be remembered that in the election precincts especially complained of, (the 26th, 27th, and 28th,) the friends of the sitting member were prevented from voting in about the same proportion as those of the contestant. This is shown by the fact that the vote taken after sunset was in the 26th precinct: Hogan, 93; Pile, 141. 27th, Pile had 8 majority, (see testimony page 135.) 28th, Hogan, 53; Pile, 24, (and also testimony of Henry Gambs, page 135; John Conzelmann, page 132; George B. Stone, page 157.) The committee do not think that the evidence shows such fraud on the part of the county court as to require the returns of the election in the precincts named to be set aside, but rather a defect in the law which has been corrected by the legislature of Missouri in the new registration law, which requires printed lists properly alphabetized.

The next point made by the contestant is that a large number of votes were polled and counted for the sitting member by persons whose names do not appear on the original lists of registered voters. The contestant in his brief gives the names of 17 persons who voted in precinct No. 25, 61 persons who voted in precinct No. 26, 47 persons who voted in precinct No. 27, 45 persons who voted in precinct No. 28, whose names, he alleges are not on the original registry lists. The committee have been able to find on the certified lists names corresponding, as they believe, to each name given in contestant's lists as having voted without being registered in precinct No. 25, and they have found all of the names but four on the original list. (See exhibit C.) The committee give an example or two showing the way in which the German names are wrongly copied from the original lists to the certified lists, and again wrongly entered upon the poll lists, selecting those in which the variance is greatest: Original list, Johann Lynlfriz; certified list, John Helfrish; voters' list, John Halfrich. That the name on the original list and on the certified list is the same, appears from the fact that the number of the residence is given in both 2114 Franklin avenue. It is further manifest from the fact that the name John Helfrich, when

written in German, thus, *Johann Lynlfriz*, would be read

Johorm Lynlfriz by any person acquainted only with the English.

Another example: Original list, Nicholas Gaur; certified list, Nick. Gans; voters' list, Nicholas Gaas.

In precinct No. 25 the names of 18 persons appear on the voters' list as having voted for contestant whose names are not found in the same form upon the registry lists, and which would be excluded from the vote of contestant if the rule insisted upon by him were adopted. These names are given in exhibit No. 1.

In precinct No. 26 the committee find on the original list names which they believe to be the names of the voters named in contestant's lists, except 8, as per exhibit D, hereto annexed. It is to be noted that as the residence of the voter is given both on the original list and on the certified list, these two lists can be made to correspond with great certainty, although the difference in the spelling of the names in these two lists is as great as that between either of them and the voters' list.

In precinct No. 26 the committee find the names of 56 on the voters' list as having voted for contestant which are not found in the original list in the same form, and which would be excluded if the rule claimed for contestant should be applied. (See exhibit No. 2.)

In precinct No. 27 the committee find, as they believe, on the original lists the names of all the persons named on contestant's list except 20. See exhibit E. In the same precinct the names of 47 persons who voted for contestant cannot be found on the original registry lists. See exhibit No. 3.

In precinct No. 28 the committee find on the original list the names of all the persons given in contestant's list but 6. See exhibit F.

In the same precinct they find the names of 52 persons voting for contestant whose names they cannot find on the original registry lists. See exhibit No. 4.

In the amended lists furnished the committee by contestant, he claims that the sitting member received the votes of persons not registered, as follows: Precinct No. 25, 18; precinct No. 26, 18; precinct No. 27, 25; precinct No. 28, 21. Total, 82.

The committee find the number of persons voting for contestant whose names do not appear to be registered, so far as they can discover, as follows: Precinct No. 25, 18; precinct No. 26, 56; precinct No. 27, 47; precinct No. 28, 52. Total, 173.

During his concluding argument before the committee the contestant presented the affidavits of 42 persons showing that they voted for him, and it is insisted that the poll-books show that each of these persons were counted for the sitting member.

The committee cannot consider these affidavits as evidence, because it was admitted by contestant that the affidavits were wholly *ex parte* and taken without any notice whatever having been given to the sitting member, and because the same were taken without any order having been made for that purpose after the time allowed by law for the taking of the proof had expired.

If, however, the testimony was admissible it would be very far from conclusive, because the poll-books as printed show that a large number of persons, and among them a number of these affiants, voted for both the contestant and the sitting member. This inaccuracy of the poll-book is accounted for by the fact that the number of the ballot was written upon it in pencil at the time the vote was given, and when the votes were certified many of the figures had become partially erased, and so were mistaken for other numbers by the certifying clerk. A list of those shown by the poll-book, as printed, to have voted for both candidates is hereto annexed, marked exhibit H.

The contestant contends that gross frauds were practiced in the 26th, 27th, and 28th election precincts, by admitting persons through a back door to vote out of their turn in the line; by special policemen lending their stars to friends to enable them to get up to the polls out of their order, &c. It is sufficient to remark that the evidence is of about the same character in relation to these three precincts, and tends to show that in each of these precincts persons voted out of their turn in the line of voters.

The only thing which it would be in the power of the committee or of the House to do to correct this irregularity would be to reject the entire vote of these precincts, because no data is given by which polls might be purged of the votes so given, nor is it shown for whom the votes were cast. While the com-

mittee are of opinion that this evidence would not warrant the rejection of the entire vote in those precincts, it is apparent that such course would not benefit the contestant, the vote in those precincts being as follows :

Precinct 26.....	Hogan, 732.....	Pile, 814
Precinct 27.....	Hogan, 478.....	Pile, 423
Precinct 28.....	Hogan, 857.....	Pile, 606
Total.....	2, 067	1, 843

But it is shown by the proof, that the persons permitted to vote out of their turn were special policemen who were so permitted to vote in order that they might devote their time to the performance of their duty as policemen ; (see testimony of Jacob S. Merrill, pages 121, 124; Frederick Scheireck, pages 120, 121; Adolph Graser, page 117;) nor does it appear from the testimony for whom those policemen voted, nor that they were not qualified voters. The contestant alleges that at these precincts votes were received after sunset ; at one of them, the 26th, the votes were returned and counted, and at the other two the votes were not so returned and counted.

Votes were cast after sunset as follows :

In precinct 26.....	Hogan, 92.....	Pile, 138
In precinct 27.....	Hogan, —.....	Pile, maj. 8
(See testimony of Henry Gambs, page 135.)		
In precinct 28.....	Hogan, 53.....	Pile, 24

The law of Missouri provides that the polls shall be kept open until sunset. The committee expressly refrain from deciding whether the votes taken in precinct No. 26, after sunset, should be counted or not. The law of Missouri requires that the polls should be kept open until sunset; whether this law makes it imperative that the polls should be closed at sunset it is not necessary to decide, as the decision cannot affect the result of this case.

The committee are of the opinion that the votes which were given at precincts Nos. 27 and 28, after sunset, ought not to have been returned or counted, because in each of those precincts the polls were regularly closed at sunset. (See testimony of John Conzelman, pages 132, 133; Henry Gambs, page 135; George B. Stone, page 157.) After the polls were once regularly closed at sunset it is obvious that they could not be legally opened again during the evening with only partial notice to the voters; such a course would open the door to any fraud that might be attempted.

The contestant complains that many men were not registered who were entitled to be; and he introduces evidence tending to show that Richard Berry, S. D. Morgan, William Heaps, Alex. Jefferson, Chas. H. Groly, and Milton Craig, were not permitted to register and vote, although legally entitled to do so.

The committee have deemed it unnecessary to investigate in detail the cases of each of these persons, because whether admitted or rejected their votes could not vary the result.

The committee recommend the adoption of the following resolution :

Resolved, That William A. Pile is duly elected a member of this house from the first district of the State of Missouri.

EXHIBIT A.

District No. 30.

Name as given in contestant's list.	Name as found in certified alphabetical list.	Name as found in registry.	Page.
Godfrey Godhardt.....	Hy Waestmann.....	Henry Woestman.....	532
H. Woestmann.....	Frederick Grisco.....	Frederick Grische.....	530
Fred. Gushing.....	Frank Ahring.....	Frank Ahring.....	527
Frank Ewing.....	Heinrich Saer.....	Heinrich Saer.....	527
Henry Schur.....	Fred. Ammelung.....	Fred. Amelung.....	523
Fred. Enselong.....	Henry R. Nollmann.....	Henry R. Nollman.....	524
H. P. Krollman.....	John G. Meskendorf.....	John G. Muskendorff.....	520
John G. Eskendorff.....	John W. Evandon.....	John W. Evenden.....	524
John W. Elffenden.....	Herman Ahlert.....	Herman Ahlert.....	524
Herman Elhardt.....	Wm. W. Worstel.....	William W. Worstel.....	527
William W. Woersheidt.....			
Gus. Pittman.....	Christian Allers.....	Christian Allers.....	524
Christ. Ellers.....	Christ. Rabenick.....	Christ. Rubenick.....	524
Chris. Babbidick.....	Cor. E. Rachmeier.....	E. Riehmuer.....	520
B. Rommeyer.....	John F. Dependahl.....	John F. Dependahl.....	521
John E. Deppenbreck.....	Heinrich N. Tiaden.....	Heinrich Nehlen Trader.....	531
H'y Tiedem.....		Xavier Graisen.....	520
So. Graiser.....	Heinrich Heillinghorst.....	Henrich Killinghorst.....	523
H'y Mullenhorse.....			
H'y Treser.....			
Chas. Siebourg.....	G. H. Waerhard.....	J. H. Woerheide.....	527
J. H. Gerheide.....	Wm. Opperman.....	Wm. Oppermann.....	528
W. Uppermann.....			
Jacob Norman.....	Adam Hingle.....	Adam Hingle.....	529
Adam Engel.....	Anton Warder.....	Norton Worder.....	521
Anton Walker.....	Fritz Windhorst.....	Fritz Windhurst.....	527
Chris. Winhorst.....	Herman Teezel.....	Herman Tuger.....	520
Hern Teagner.....	Frank Hohnstrator.....	Frank H. Hohnstrohn.....	525
Frank Horstrider.....	Chas. Vondereahe.....	Charles Vorder Ahe.....	526
Charles Vonderee.....	Henry Witland.....	Henry Willand.....	530
Henry Wittmann.....			
James Newell.....	Aug. C. Stifel.....	Augustus C. Stifel.....	526
A. C. Stevens.....	Conrad Spoek.....	Alexand Sprock.....	527
Conrad Sprick.....	Gottleibe Pfeiffer.....	Gottlieb Pfeiffer.....	532
George Phieffer.....	Joseph Bagot.....	Joseph Bagott.....	527
Jas. Bagatt.....	D. Fangmann.....	D. Fangman.....	524
D. Tungman.....			
Charles Huel.....	C. F. Siedlitz.....	C. F. Seidlitz.....	519
C. D. Liedlitz.....	John Hergender.....	John Herkenswer.....	519
John Huckensiter.....	Fred. Gessner.....	Frederich Gessner.....	521
Frederick Gessheer.....	Ritchard Basewelter.....	Richard Boeswetter.....	519
Reichard Bessery.....	George W. Hillier.....	George W. Million.....	525
George W. Hillier.....	Jacob H. Hamig.....	Jacob H. Harrig.....	519
Jacob S. Hening.....			
T. H. Ludhouse.....			
Frederick Heiter.....	Andrew Koener.....	Andrew Loener.....	528
Anton Kroener.....	Frank Somers.....	*Frank Webster.....	530
Frank Summers.....	H. Boehm.....	H. Boehm.....	521
Henry Boehman.....	C. L. Openlander.....	C. S. Appenlander.....	523
J. Upenlander.....	Aug. Kothlander.....	August Katlonder.....	531
August Cutman.....	Johann Knickmeier.....	Johan Knickmeyer.....	526
J. Hickmeier.....			
E. Lang.....			
F. W. Walig.....	Louis Johler.....	Louis Tahler.....	523
L. Joulse.....			
Charles Weimer.....	Wm. Dehling.....	William Dehling.....	525
W. Dailey.....			
W. R. Cusmer.....	Fred. Brand.....	Frederick Drand.....	530
Fred. Ban.....			

* Error in transcribing; Somers lives on Webster street.

District No. 30—Continued.

Name as given in contestant's list.	Name as found in certified alphabetical list.	Name as found in registry.	Page.
Fred. Gerroll	Fritz Gerhold	Fritz Gerhate	532
F. W. Oglemiller	F. Obermaler	Frederick Obermeier	531
F. Barkoper	Fred. Barkhoffer	Fred. Barkhoefer	521
H. Steaman	Henry Stiermann	Henry Stirsmann	525
F. Bucket	Frank Bucher	Frank Beecher	525
*Fred. Place	Fred. Blase	Theo. Blase	525
L. Blenckmeyer .....	.....	.....	.....
P. Phillips	Pass Phillip	Laban Phillips	519
Charles Meeker	Charles Menke	Charles Menke	525
Henry Ashee	H. A. Ische	H. A. Ische	521
E. W. Wieshammer	G. W. Wieshamer	G. W. Wieseann	528
John Bommer	John Bawmann	John Bauman	519
J. H. Lepmeyer	J. H. Sepmeyer	J. H. Sepmeyer	530
J. J. Rubleman	John G. Rubleman	John G. Rubelmann	521
*John H. Bodie	John H. Budde	John H. Budde	521
J. Temer	Jacob Tieman	J. Tiemann	530
P. Gloman	Peter Klomann	Peter Kloman	525
W. Brellman .....	.....	.....	.....
Ludwig Carston	Ludwig Kastin	Ludwig Kerstad	528
Add. Brockermann	Adolph Bruggerman	Adolph Bruggemann	520
*Ang. Phelsadt .....	.....	.....	.....
Chris. Roherling	Christian Rehling	Christian Rehling	523
William Beekman	Wm. Reckman	William Reckman	528
H. Cramig	H. Cramme	H. Kramme	524
Henry Siegels	Heinrich Seegers	Heinrich Seegers	520
William Richs	William Ricoe	William Rarae	524
Henry Hollow	H. T. Harlow	A. T. Harlow	530
Henry Fice	Henry Piper	Henry Pierce	523
George Walter	George Walter	George Multer	527
H. Cartner	Hudson C. Carkener	Hudson E. Caskener	524
August Staddingle	Aug. Standinger	Augustus Handinger	520
F. W. Messer	F. W. Mester	F. W. Merter	527
Henry Keener	K. Keiner	K. Keiner	519
*Alfred Jennings	Alfred Genung	Alfred Genung	523
Peter Dustring	Peter Dustman	Peter Dustman	523
Henry Stoppelman	F. Wm. Stoppelman	Friedrich Wilhelm Stopplemann	531
George Koch	George Koch	G. Koch	520
Christ. Weisse	Christ. Vaesa	Christ. Veasa	520
F. H. Burkfield	Frank H. Bergfield	Frank H. Bergfield	528
*F. Heppenbrock	F. Papenbrock	F. Pafenbrock	529
Joseph Leal	Joseph Seal	Joseph Seal	229
C. Lepmeyer	C. Sepmeyer	C. Sepmeyer	527
John H. Conrady	John K. Conrades	John H. Conrades	525
Francis Claus	Franst Krouse	Francis Krauss	526
H. Grasslop	H. Grasshoff	H. Grasshoff	524
Gerhard Lachlieder	G. F. Sachleben	Gerhard F. Suchleben	521
Fred. Schlick	Fred. Schliff	Frederick Schlieff	532
Henry Rollcutter	H. Wm. Rollkotter	H. William Bullkvetter	532
J. H. Creamer	J. H. Kraemer	F. H. Creamer	522
William Wetlage .....	.....	.....	.....
John Eilers	John Allers	John Allers	519
Fred. Cornles	Friedrich Conrad	Friedrich Conrad	530
H. Stacklehan	Herm Strack	Herman Strockelaiher	530
H. Stocke	H. Stircken	H. Stucken	527
H. Rieper	Henry Ruppert	Henry Robert	527
Caspar Siekman	Casper Siekmann	Casper Liekmann	525
Frank Constonger	Frank Konstinger	† Name illegible; north-east corner Broadway and Chambers.	529
John F. Fierbaum .....	.....	.....	.....

* Counted also for contestant.

† This is the residence of Frank Konstinger.

District No. 30—Continued.

Name as given in contestant's list.	Name as found in certified alphabetical list.	Name as found in registry.	Page.
H. A. Howard	H. A. Hummert	H. A. Hummers	530
Ferdinand Cotlander	Fred. Kottlender	Frederich Koutander	524
William J. Henry	Wm. J. Henry	William T. Henry	528
Christ. Lukemeyer	Christ. Lukmeyer	Chrit. Sullkemeier	520
John H. Morehouse	John H. Morhous	John H. Morodus	524
William Nolte	Wm. Volte	William Volte	529
Christ. Kuneke	Stephen Kunleke	Stephen Kunnecke	532
Henry Taake	Henry Fiecke	Henry Frick	526
Gottlieb Scheele	Gottlieb T. Stol	Gottlieb J. Stale	521
Fritz Kullrofe	Fritz Kuhlwilm	Fritz Kuhlwilen	525
Henry Fosterman .....	.....	.....	.....
Mathias Herman	Mathias Flomann	Mathias Taman	520
H. Kleet .....	.....	.....	.....
Fred. N. Laborg	Fr. Matthew Sabey	Matthew Labrey	519
Henry Koenigkramer	Hy Konekozoemer	Henry Konekramer	532
F. R. Schneerk	Fred. R. Schnuck	Fred'k Rudolph Schnuck	524
Frederick Samdlick	Fred. Sonlish	Frederick Senlish	525
Andrew Schneider	Andree Schneider	Andreas Schneider	528
William Ehler	William Ehler	Henry Ehrler	528
F. W. Sloeman	T. W. Schloeman	T. W. Schlaeman	521
August Janell .....	.....	.....	.....
Valentine Oborn	Vallin Orban	Valtin Urban	519
William Bolkenhosst	Wm. Walkenhorst	Wm. Walkerhorst	526
Enoch Burns	Enoch Burrows	Enoch Burrowes	531
Charles Straube	Charles Stroube	Charles Straube	518
Rudolph Gauseman	R. Gausman	R. Hausman	531
W. D. C. Bodefricker	W. D. C. Botefwhr	N. D. C. Botefuhr	528

EXHIBIT B.

Votes for contestant not found on registry list.

Page where name is found on poll-book.	Number of vote.	Name as entered on poll-list.	Probable name.	Page where ballot is found counted for Hogan.
535	39	Chas. Sluder	Carl Sluter	545
535	63	Jacob Bromser	Jacob J. Broemser	545
535	71	John Moniken	John Moenkes	545
535	84	Casper Troun .....	.....	545
535	88	E. Fitzmorris	E. Fitz Morris	545
535	90	Wm. Drouht .....	.....	545
535	99	Sam'l Hardeman	Samuel Hartman	545
535	100	Hy Sluder	Heinrich Schluter	544
536	106	E. H. Pierceson .....	.....	545
536	121	Stephen Peffer	Stephen Pfefferly	545
536	123	Wm. Feeley	Wm. Fuly	545
536	126	Bernard Mersman	Bernard Musman	545
536	160	J. M. Morse .....	.....	545
536	167	John W. Winn	J. M. Winn	545
536	176	George Hitchman	Geo. N. Hinchman	545
536	178	John F. Cassman	John W. Casburn	545
536	188	E. K. Fassett	A. K. Fassett	545
636	197	W. H. Uhlman	Chs. W. Uhlman	545
536	220	John Piete	John Pietwh	545
536	334	J. F. Taylor	John D. Taylor	545
537	248	Wm. Weaver	William Weber	545

Votes for contestant, &c.—District No. 30—Continued.

Page where name is found on poll- book.	Number of vote.	Name as entered on poll-list.	Probable name.	Page where ballot is found counted for Hogan.
537	261	M. B. Taupkins	M. B. Topkins	545
537	271	Patrick Cockman	Patrick Coughlen	545
537	279	Stephen Quanto	Stephen Quante	545
537	282	Bernard Gerefermill	Bernard W. Gevermahle	545
537	285	J. L. Rice	John A. S. Rice	545
537	298	A. Withman .....	.....	545
537	344	Marvin Cooper .....	.....	545
537	346	C. Woffin .....	.....	545
537	367	N. Andecker .....	.....	546
537	369	Mich. Menon .....	.....	545
538	374	Andrew J. Roershaw	Andrew J. Kershaw	545
538	398	G. Gra .....	.....	546
538	399	F. Niehemm .....	.....	545
538	409	Henry Neiyer .....	.....	545
538	422	Simon Vodecker	Simon Bodecker	545
538	469	A. R. Jude .....	.....	545
538	492	John Stithe .....	.....	544
538	494	Thos. Dearing .....	.....	545
539	503	J. H. Robgan .....	.....	545
539	520	P. S. Ovendale .....	.....	545
539	541	L. L. Ashbrook .....	.....	545
539	533	Frank Coalmeyer .....	.....	545
539	581	Louis Tingler .....	.....	545
539	584	W. H. Maurie .....	.....	545
539	585	James Miller .....	.....	545
540	639	Henry Luntan .....	.....	546
540	677	George F. Elm .....	.....	544
540	684	Thomas Rigway .....	.....	545
540	708	Charles Gemp .....	.....	545
541	790	Wm. Wetlage .....	.....	545
541	793	Daniel Flint .....	.....	.....
542	916	J. M. Bixler .....	.....	.....
542	917	R. P. Cohen	R. Pierre Cohn	545
542	929	John Boergelt	John Borgett	545
542	935	Wm. L. Carr .....	.....	544
542	938	Mark Maliney	Mark Mulluney	544
542	956	W. Linstrofe	William Linstroth	545
542	959	Patrick Hurley .....	.....	545
542	966	George Coloman .....	.....	545
542	969	Charles Kenaugha .....	.....	545
542	971	Kirk Dennis	Dennis Kirk	544
542	973	Jasper Herman	Herman Jasper	544
542	1006	John Taulberg .....	.....	545
542	1027	Anter Ilkman .....	.....	545
542	1028	Clemens Gotwinkle .....	.....	546
543	1044	Henry Buschamper	H. Buslemper	545
543	1056	D. R. Griffin	Otis R. Griffin	545
543	1071	Wm. Lucking .....	.....	545
543	1107	John Rowan .....	.....	544
543	1113	Fredk. Dingsmeyer .....	.....	544
544	1178	James Hurley .....	.....	544
538	453	*Fred. Place .....	.....	545
539	510	*Aug. Phelsadt .....	.....	545
539	619	*Alfred Jennings	Alfred Genung	545
545	668	*F. Heppenbrock	F. Pafenbrock	545

* Names given in contestant's brief as counted for sitting member without having been registered, but which are also found counted for contestant.

EXHIBIT C.

District No. 25.

Name as given by contestant.	Name as found in alphabetized registry list.	Page.	Name as found in original registry.	Page.
John Feuerbust	John Feuerbach	316	John Tenebeub	283
Carl Ballon	Carl Balmer	313	Paul Lalmer	280
Antro Geiser	Anton Geiser	317	Name illegible, same residence as Anton Geiser.	290
John Bucker	John Bucker	314	Two names illegible, on Frankin avenue, the street on which J. Bucker resides.	292
John Helfrich	John Helfrish	318	Johorm Lynlfritz	290
Andor Koras	Anton Korras	320	Anton Borroz	293
Floria Eckstein	Florin Eckstein	316	Name illegible, same residence as F. Eckstein.	288
Joh Kakly	John Coakley	315	John Coakley	289
Carl Chrislear	Carl Christian	315	Charles Carsten	285
W. Mullen	Wm. Moeller	322	.....	.....
Christ Bermeny	Cristian Bremine	314	.....	.....
William Benns	William Beng	314	Wilhelm Lang .....	.....
Christof Osbork	Christ Osburg	323	Christopher Ashary	279
George Müller	George Mueller	322	.....	.....
Nicholas Gaas	Nick Gans	317	Nicholas Gaur	292
Valentine Riedel	Balentine Riedel	324	V. Riedel	279
W. Hahn	William Hahn	318	.....	.....

EXHIBIT D.

District No. 26.

[Name as given in contestant's list.	Name as found in alphabetical list used by judges.	Page.	Name as found in original registry.	Page.
J. C. Dow	J. C. Dearraugh	373	James C. Darrough	343
* Henry Reckrath	Henry Boekreth	372	Henry Bockrath	338
James D. M. Coff	James D. McCaff	386	James D. McCobb	337
Martin Miser .....	.....	.....	.....	.....
John Williamson	John Wilkenson	385	John Wilkenson	331
* Abraham Teffer	Abraham Tafenler	384	Abraham Taffender	339
Peter Jacob	Peter Iager	377	Peter Jayar	337
* Francis Reyseger	J. T. Reysser	382	John F. Reyseer	332
* J. W. Offeheidier	F. W. Aufterhide	370	F. W. Aupderheide	339
J. H. Custer	J. H. Kuster	378	J. H. Custer	334
Charles S. Maury .....	.....	.....	.....	.....
George Beckman .....	.....	.....	.....	.....
John B. Cross	John B. Gross	376	John B. Gross	347
George Dundy	George Damder	374	George Damde	335
August Rigermann	August Brueggeman	371	August Bruggeman	334
* Charles Springer	Charles Spooner	384	Charles Spooner	341
* August Krring	Augustus Coring	372	Augustus Coring	331
Herman Vendrat	Herman Bendral	372	Herman Bendrat	340
Charles A. Spalhinier .....	.....	.....	.....	.....
* Julius Fellzer	Julius Pfalzer	381	Julius Pfalzer	338
Fred Seibel	Fred Zibell	386	Fred Zibell	334
A. Kabrelac	H. Cabrillac	373	H. Cabrilliac	333
W. J. Krips	W. J. Cribbs	373	W. J. Cripps	334
Antone Trant	Anton Krant	378	Anton Krant	336

* Misprints.

District No. 26—Continued.

Name as given in contestant's list.	Name as found in alphabetical list used by judges.	Page.	Name as found in original registry.	Page.
Hickman Sheeley.....	.....	.....	.....	.....
John Bailey.....	John Bagley.....	371	John Bailey.....	333
John Kameron.....	John Cammerer.....	373	John Cormerer.....	344
Ferd Wohling.....	Ferd. Wallindy.....	385	Ferd Wallendy.....	332
Lewis Casiger.....	Louis Kassehagen.....	378	Louis Kasehagen.....	339
Adam Schaffner.....	August Schaffer.....	383	Justius Shaffer.....	339
† John Tobin.....	Frank Tobin.....	384	Frank Tobin.....	339
Pat. Kenihan.....	Pat. Kinney.....	378	Pat. Kinney.....	348
Fred Cleaver.....	Ferd. Klaber.....	378	Frederick Klaver.....	342
H. P. Dwollay.....	Henry B. Divelle.....	374	Henry B. Dwells.....	337
W. A. Reamer.....	.....	.....	.....	.....
* Ludwig Vonhoff.....	Ludwig Fornoff.....	375	Ludwig Fornopp.....	340
* Fred Clenkey.....	Fred. Klauke.....	378	Fred Klanke.....	347
H. Pinder.....	H. Binder.....	372	H. Binder.....	338
John Sisley.....	Q. R. Siesta.....	383	John R. Siesle.....	333
J. F. Sherburn.....	J. F. Sharkey.....	384	John F. Schuberg.....	346
Fred Gibbatch.....	Frederick Gerbig.....	375	Fr. Gerbig.....	334
Thomas Nidersheck.....	Thomas Kindischeshek.....	378	Thomas Kendischts.....	342
Gustav Spanning.....	Gustav R. Spameegal.....	383	Gustavus R. Spunnagel.....	334
Adam Konrad.....	Adam Conrad.....	373	Adam Conrad.....	344
* G. M. Belcher.....	J. N. Belser.....	371	J. M. Belser.....	349
Charles Pank.....	Charles Bang.....	372	Charles Bang.....	335
Henry Competer.....	Henry Grospeter.....	376	Henry Grappeter.....	335
Gottlieb Jacob.....	Jacob Galleib.....	376	Gottlieb Jacob.....	343
Henry Hepperkump.....	Henry Herborkern.....	376	Heinrich Haberham.....	332
Emil Cast.....	Emil Karst.....	378	Emile Kerst.....	331
Michael Williams.....	Michael Whelane.....	386	Michael Whelon.....	342
Henry Treiselman.....	Henry Fredman.....	375	Henry Frieselmann.....	345
* W. Mittenbrock.....	W. Wittenbrock.....	386	William Wittenbrick.....	345
J. M. Ruth.....	W. W. Ruth.....	382	William Ruth.....	335
J. H. Buckstaff.....	John Henry Borgrtep.....	372	John Herman Borgstes.....	345
* James Burer.....	John Benren.....	372	John Benson.....	341
James M. Seete.....	James M. Leete.....	379	James M. Leeld.....	346
John Icy.....	John Erse.....	374	John Eise.....	337
Michael Cregan.....	.....	.....	.....	.....
Fred Woofslager.....	.....	.....	.....	.....
* Frederick Iers.....	Frederick Jones.....	378	Frederick Jors.....	337

* Misprints.

† Counted also for contestant. Vote No. 929, page 365.

EXHIBIT E.

District No. 27.

Name as given in contestant's list.	Name as found in alphabetical list used by judges.	Number.	Name as found in original registry.	Page.
* W. Regal.....	.....	.....	.....	.....
John Bostermar.....	John B. Ostermann.....	1490	John B. Ostermann.....	398
Hy Mentzerodt.....	.....	.....	.....	.....
C. H. Geofring.....	.....	.....	.....	.....
Phil. Overstalz.....	Ph. Oberschelp.....	1487	Philip Oberschulz.....	404
John Seiver.....	.....	.....	.....	.....
Jos. Bonenmacher.....	Joe Rodemacher.....	1626	Joseph Rodemacher.....	399
John Sentroff.....	John Zemtroff.....	2143	Illegible, 1626 Twelfth street.	406
Jacob Brocless.....	Jacob Roglers.....	1605	Jacob Rogles.....	394

* Counted for both candidates.

District No. 27—Continued.

Name as given in contestant's list.	Name as found in alphabetical list used by judges.	Number.	Name as found in original registry.	Page.
Philipp Obermiller.....	Ph. Oberrwinker	1496	Ph. Oberwinde	403
P. Overstalz, jr.....	.....	.....	.....	.....
Charles Fininger .....	.....	.....	.....	.....
Charles Reedsing .....	.....	.....	.....	.....
F. Veltner .....	.....	.....	.....	.....
J. J. Obaum .....	.....	.....	.....	.....
Gottlieb Shindler	G. Spinelan	1799	Gottlieb Sepmellein	399
John Wilsler .....	.....	.....	.....	.....
Hy Mitfse	Henry Milfily	1307	Henry Milfeily	407
H. Blatke	Aug. Placke	1514	August Plaeke	392
A. Mizenzag .....	.....	.....	.....	.....
J. Cout	Jacob Kath	1048	Jacob Theth	398
Fred Lemer .....	.....	.....	.....	.....
Jacob Osborg .....	.....	.....	.....	.....
L. G. Bessel	L. G. Beasley	141	L. G. Baeseles	411
George Mehter .....	.....	.....	.....	.....
William Pliasa .....	.....	.....	.....	.....
H. Leker	H. Lecker	1170	Heinrich Luker	404
Casper Kehaun	Casper Kinchon	1031	Casper H. Krehant	397
George Wilfred .....	.....	.....	.....	.....
Peter Extreter .....	.....	.....	.....	.....
George Storssmer	G. Strasner	1683	George Strosner	387
H. Winhold	H. Memoldt	1405	Henry Meinholdt	406
J. Ugleleurg	John Englehart	486	Johann Englehardt	405
John Hude	John Uhde	1984	John Uhde	393
J. B. Kronemire	J. P. Gronemeier	644	J. P. Gronemeier	400
P. G. Lesmington .....	.....	.....	.....	.....
H. Heteman	H. Heitman	887	Herman Heitman	410
August Emptke	August Tink	1941	August Temke	397
H. Massenwith .....	.....	.....	.....	.....
David Wilkening	Dave Whelan	2093	.....	.....
T. Westeset	Fritz Westerfeldt	2132	Fritz Westerfield	411
Rudolph Walry	Ulrich Rudolph	1628	Ulric Rudolph	400
Charles Wachter .....	.....	.....	.....	.....
C. Wats	Charles Valtz	2003	Charles Vallet	407
Henry Traber	H. Droebe	441	Henrio Droebe	408

EXHIBIT F.

District No. 28.

Name as given in contestant's list.	Name as found in alphabetical list used by judges.	Number.	Name as found in original registry.	Page.
Henry Stitgers	Henry Stelleys	1646	Henry Sellges	449
J. H. Bode	J. H. Bockla	61	J. H. Beda	448
Fred Othoff	Fred Uthoff	1814	Fred Uthoff	446
W. Fall	Wm. Paul	1479	William Paul	456
M. Slitzer	Mathias Schlete	1612	Mathias Schlet	464
William Smeathers	Wm. G. Smeathers	1706	William G. Smeathers	456
G. D. Sividay	Geo. D. Sirordie	1671	Geo. D. Siravlie	452
H. Freiberg	Henry Frieburg	549	Henry Frieburg	454
M. O. Ribe	Manel Oribe	1432	Manuel Oribe	458
J. J. Schuler	J. J. Schuler	1776	J. J. Schuler	453
C. Steinecke	George Sternecker	1713	George Stunecker	457
John H. Landers	F. H. Sander	1744	F. H. Sander	460
F. W. Leibing	Frederick Wm. Sieweig	1678	Friederick Wm. Siewing	454

District No. 28—Continued.

Name as given in contestant's list.	Name as found in alphabetical list used by judges.	Number.	Name as found in original registry.	Page.
P. Rosenban.....	Peter Rosenbach.....	1587	Peter Korenbach.....	462
Eichael Torbey.....	.....	.....	Michael Torpey.....	455
F. H. Furngest.....	F. Henry Toengis.....	1783	Franz Henry Taengis..	462
A. Brenneman.....	A. Brennemeyer.....	97	A. Breneman.....	452
P. Sable.....	Paul Goebel.....	623	Paul Goebel.....	449
Chas. Gerkers.....	Charles Jorkers.....	912	Charles Jorkers.....	463
C. Lutman.....	Casper Suttman.....	1725	Casper Juttman.....	458
P. G. Schrader.....	.....	.....	.....	.....
W. H. Schlefe.....	Samuel H. Schleef.....	1716	Samuel H. Schleef....	457
Conrad Hanss.....	.....	.....	.....	.....
G. Goehring.....	Gerhard Kohring.....	937	Gerhard Kohring.....	451
T. M. Coxwater.....	T. N. Kaltwasser.....	930	T. A. Tlattwaffens....	450
H. Keffer.....	S. Kapper.....	972	S. Kapfer.....	461
Chas. Kramer.....	.....	.....	.....	.....
W. Klatzman.....	Wm. Protzman.....	1501	William Protzman....	457
William Glanhaff.....	Wilhelm Gerloff.....	687	Wilhelm Gerloff.....	461
H. Gerble.....	Henry Gobbles.....	666	Henry Gobbles.....	458
Henry Gutledge.....	H. H. Hettage.....	721	H. Henry Hettaye.....	446
William Brenckle.....	William Brenker.....	119	William Brincker.....	455
Joe Cumerly.....	Josh Kummerle.....	961	Jos. Kummerle.....	455
George Hargue.....	George Lague.....	1038	George Lague.....	450
C. Penkupler.....	Charles Pankoke.....	1470	Charles H. Pankohle..	452
H. Oremus.....	.....	.....	.....	.....
Gustav Yerst.....	Gustave Gust.....	669	Gustav Garst.....	459
James Messrus.....	Joseph Messing.....	1323	Joseph Messing.....	454
John Pekker.....	John Baker.....	101	John Baker.....	452
John H. Corre.....	John H. Kohring.....	991	John H. Kohring.....	460
William Egdart.....	.....	.....	.....	.....
W. B. Mainjumer.....	Wm. B. May, jr.....	1262	Wm. B. May, jr.....	461
John Basse.....	John H. Boose.....	165	John H. Bosse.....	459
William Breanard.....	William Bruman.....	43	Wm. Bruvoren.....	447

EXHIBIT No. 1.

District No. 25.

Page.	Number of vote.	Name as entered on poll-list and not found on registry.	Page where ballot is found counted for Hogan.
298	7	Patrick Lagea.....	308
298	8	Philar Thomas.....	308
298	16	Thomas Karaw.....	308
298	21	S. J. Bunger.....	308
298	44	C. T. Comrad.....	308
298	48	Thorna Kalligar.....	308
298	74	James W. Nurph.....	308
298	83	Henry J. Harrison.....	309
298	99	Tom Yule.....	308
298	109	John P. Lorkin.....	308
299	145	Mattew Blunch.....	308
299	181	Sullivan Bath.....	309
299	207	L. A. Morthy.....	309
299	252	R. A. W. Krenshaw.....	308
300	272	Thomas H. Criffin.....	309
300	273	Beorges Allen.....	308
300	284	R. F. Bropt.....	309
300	285	Daniel Delpher.....	309

EXHIBIT No. 2.

District No. 26.

Page where name is found on poll- book.	Number of name.	Name.	Page where ballot is found counted for Hogan.
353	20	Thomas Garrity.....	366
353	30	Charles W. Dutton	366
353	41	B. P. Lennox	365
353	43	Thomas Mackavelly.....	366
353	58	C. H. Rohlman	365
353	64	Marshal Beaudraw.....	365
353	72	Christian Whispen	366
353	74	H. W. Dickhamer.....	365
353	90	Abraham Tefler*.....	365
353	106	Henry Norrey.....	365
353	114	W. Richter.....	366
354	144	Terence Donaghue	365
354	147	J. W. Ofleheider*.....	366
354	170	John Terf	365
354	182	A. Killburn.....	367
354	186	O. B. Roberts.....	365
354	199	Alfred Gilschlickie.....	365
354	205	August Hafle	365
354	233	Henry Carning	365
354	235	William Cordin	365
354	240	Charles H. Statley	366
354	247	James Dowe.....	365
354	273	Z. Roderick.....	366
355	305	Francis Boehler.....	366
355	313	Fred. A. Weiniger.....	365
355	326	Wilkinson Edwards	365
355	329	John Filibert	366
355	363	Joseph Mackaway	365
355	398	George Sich	366
356	424	Charles Lichter	365
356	454	Julius Fellzer.....	365
357	588	Samuel Brewelley	366
357	609	Henry Cornett.....	365
357	595	A. H. Altmann.....	366
358	772	Louis Wakerting.....	366
359	852	Christ. Decky.....	366
359	875	John H. Tranel.....	364
359	889	John M. Harming.....	364
359	892	John O'Sheaney.....	364
359	893	John O'Delany.....	364
359	917	A. H. Hinman.....	366
359	925	Lawrence Kruill.....	364
359	929	John Tobin*.....	365
359	944	Rob't Kosmaley.....	366
359	950	S. J. Arnold.....	365
360	985	Joseph Voeker.....	365
360	991	Stephen Blackie.....	365
360	1007	G. L. M. Crary.....	365
360	1088	Jesse B. Proddy	364
360	1103	H. Smeatz.....	365
361	1199	Alexander Ranler	365
361	1181	Henry Rathbone	365
361	1184	Fred. Koerner.....	365
362	1275	W. Garterell.....	366
362	1298	O. M. Brady.....	365
362	1310	James O. Hanlon	366

*This name appears in contestant's list; the number occurring counted for both candidates.

EXHIBIT No. 3.

District No. 27.

Page where name is found on poll- book.	Number of name.	Name.	Page where ballot is found counted for Hogan.
413	4	*W. Regal.....	421
414	25	William Desmond.....	421
414	23	Hy Maman.....	421
414	33	Edward Marx.....	421
414	65	Jacob Randy.....	422
414	68	Joseph Sharp.....	422
414	82	John Seperhurd.....	422
414	95	Hy Schensman.....	421
414	96	Bernard Hesper.....	421
414	99	Philip Odenwelder.....	422
414	103	J. B. Seahart.....	421
414	104	Paul Wagoner.....	421
414	111	A. J. Pagnagle.....	421
414	115	John Falen.....	421
414	118	R. Luden.....	421
414	146	Herman Schilliman.....	421
414	148	Henry Sands	421
415	205	Antone Krinest.....	421
415	227	John Hetge.....	421
415	239	Frank Vasser.....	421
415	248	Gustav Balthus.....	421
415	260	J. M. Reed.....	421
415	264	James Morrison.....	420
415	269	Chauncey Shannon.....	421
415	291	William Shea.....	422
417	441	A. K. Thseldkin.....	421
417	442	*Casper Kehann.....	422
417	471	J. F. Krieger.....	421
417	472	James Lillard.....	422
417	474	John Ciseson.....	422
417	509	Mich'l Downey.....	422
417	531	Philip Keary.....	420
417	564	J. Y. Steinhiper.....	420
417	568	Theo. Schader.....	421
417	572	Mic'l Lorenz.....	421
418	591	I. Derknide.....	421
418	600	Pat Hulehan.....	421
418	608	Pat Shanihan.....	421
418	616	H. Buthopp.....	420
418	651	Peter Vandeman.....	421
418	664	Jacob Hickel.....	420
418	684	Hy Coleman.....	420
418	693	J. H. Liten.....	421
419	731	C. H. Hafeklatz.....	421
420	894	Chas. F. Carroll.....	420
420	861	Thos. Flood.....	421
416	421	*Jacob Osborg.....	420

* These names appear in contestant's list, the numbers occurring for both candidates.

EXHIBIT No. 4.

District No. 28.

Page where name is found on poll- book.	Number of name.	Name.	Page where vote is counted for Hogan.
467	8	Henry Pleirmeyer.....	480
467	11	Michael McGrath.....	481
467	15	Henry Fuitter.....	481
467	17	John Standborthy.....	480
467	19	William Honiger.....	480
467	20	Simon Obecke.....	479
467	31	John Funy.....	480
467	32	Jeremiah Mayna.....	480
467	39	John Cari.....	479
467	81	Thomas Roddy.....	479
467	82	David Lore.....	480
467	92	August Springmeyer.....	480
467	106	Henry Greitens.....	479
467	120	William Nail.....	479
467	133	James Kilmartin.....	479
467	139	Edward Maloney.....	480
468	150	Edward George.....	{ 480 479
468	172	Henry Brelt.....	481
468	173	B. H. Brinsmur.....	481
468	185	Nicholas Gragin.....	481
468	206	Charles Stiver.....	479
468	217	J. B. Herbis.....	379
468	220	F. Lenkwitte.....	480
468	244	James Finn.....	479
468	277	H. Sissna.....	481
469	288	Lawrence Manning.....	480
469	303	J. Von Ahmen.....	481
469	325	A. Lambkin.....	481
469	358	J. Tyroff.....	481
469	387	James Roden.....	481
469	409	Louis Premore.....	480
469	410	John S. Caule.....	480
470	445	R. A. Eland.....	481
470	447	George Henneson.....	481
470	474	J. Tierhoff.....	481
470	498	B. Roentgon.....	481
470	516	H. Raxmeyer.....	480
471	589	Jenny Watts.....	480
471	630	K. Keshuley.....	481
471	649	Joe Gorlach.....	481
472	711	G. Vohrenberg.....	479
472	775	John P. Rumber.....	479
472	801	M. Goering.....	480
472	840	Charles Kingsley.....	480
473	848	James M. Imany.....	479
473	892	P. Slafferty.....	478
474	982	Joe Kirknoner.....	480
475	1164	W. Ladiger.....	479
475	1200	F. Grossman*.....	480
475	1257	George Hargue*.....	478
476	1330	H. Oremus*.....	480
476	1384	John H. Corre*.....	480

* These names appear in contestant's list, the numbers occurring for both candidates.

VIEWS OF THE MINORITY.

The undersigned being unable to concur in either the arguments, illustrations or conclusions of the majority of the committee; feeling also that injustice has been done to the contestant, and that he has in reality been elected to the position of representative in the 40th Congress, by the majority of the legal vote cast at the election for first congressional district of Missouri, November 6, 1866, proceed as briefly as possible to present a synopsis of the case for the information of the House.

The majority in their report present the extracts from the constitution and laws of Missouri under which this election was held, and then proceed to take up points as made by contestant which they summarily decide against him, and declare the sitting member entitled to the seat. We shall examine these positions as made, and add suggestions which we deem vital to a full understanding of the case; we shall also present important and vital considerations in behalf of contestant which, although presented for the action of the committee by the case as made before them, have, by some strange oversight, been wholly ignored or omitted in making up the report of the majority, and which omissions would, if allowed by committee, have shown the majority for contestant.

We will chiefly follow the arrangement of the majority report, and hence commence with

PRECINCT No. 30.

At this precinct the law of Missouri was wholly ignored and set aside by partisans of the sitting member, in direct contravention of its requirements, and by unsworn and unofficial persons; and although the evidence of fraudulent intent is palpable, yet the majority apologize for the wrong, and neither discard the poll wholly, nor yet purge it of the unregistered votes received and counted there for the sitting member. The law provides that a list of the qualified voters shall be made by the officer of registration who shall certify the same. He is a sworn officer, his duties are defined by law, and he is responsible for his acts.

The law requires his list to be made in duplicate, both certified, one to be deposited with the county clerk to be kept among the archives of the court, the other to be delivered to one of the judges of the election, (if then appointed,) and take his receipt therefor. It is admitted this list was furnished by the register according to law, *but this list was not used according to law to determine who should vote at that election*, but a list was used made by other outside unsworn partisans of the sitting member, said to accord with the list of the registrar, except that it was alphabetized on the second as well as the first letter of the voter's name. By whom this list was prepared is not shown, except by the testimony of one John Green, who says he suggested its preparation, called those to his house whom he wanted to participate in it; says two or three of the judges and clerks were present assisting, but carefully avoided the mention of any name as present. He says, page 139:

Cross-examination:

Q. When was this experiment made in reference to the number of votes that could be cast in a specified time?

A. This was the day after they got the books. This was done principally at my house, as the nearest place. We sat all round a table, and the names under each letter on the attested list were marked in the order in which they should come—for instance: "S," followed by "A," was marked 1; then the next in order alphabetically was marked 2, and so on. The names were called off from that list, and a man wrote them down; then the names were all counted off to see that they agreed. The votes couldn't have all been taken with the certified list, and this change was made so that we could take all the votes.

The committee say the new list was made the day and night preceding the election, and seem to give John Green as the authority, but he says it was the day after they got the books, which by law is several days before the election.

It may be proper to inquire who is John Green, who thus figures in preparing a voting list for this precinct? Was he the registrar, commissioned and sworn to perform this delicate duty? No. Was he one of the judges of election who was to receive the legal registered votes? No. Was he one of the clerks of the election, sworn to enter truly the names of voters? No. What connection, then, had he with this matter, legally or officially? None, and he was only a partizan of the sitting member, seeking, by all means, to swell the vote of his party at that election.

What judge of the election was there? It is not stated. Judges of elections are only sworn as such, and for that only, when ready to enter on this duty; so also of clerks of election, but none of these are named as present. *And it is significant that even the registrar was not present at this important revision of his work.* He was close by all the time; could easily have been invited; could have rendered aid in deciphering his own writing; was, moreover, an active partisan also of the sitting member. Why was he not present? Was it not that, being a sworn officer, he could not permit names on that list that were "not duly registered?" This, we think, is the only legitimate inference.

John Henson, registrar, swears, page 165 of the testimony in this case:

I was registering officer of 30th election district; I furnished a certified list of voters in that district to judges of election, except some little errors. * * * That the judges made a copy of my book is my impression; it was not done in my presence. I delivered my book to one of the judges, as I was authorized to do.

The language of this witness is clear; *he was not present at the making of the copy of his book.* His impression is, it was copied by the judges. Why? He was probably told so by John Green, as the committee are told the same thing; but there is no evidence that any of the judges were present, no names being mentioned; nor would it give vitality or legality to the act if they had all been present and aiding, for the law not only gives no authority for the preparation or use of such list, but explicitly provides for another list to be made by the sworn officer of the law, the registrar, *and certified by him to be a full and true list of the voters registered.* This list, so certified, the judge who gave receipt for it must produce for the use of the judges of election at the opening of the polls, and during the process of the election the judges of election shall mark or write opposite the name of each voter, as his vote is taken, "voted." Thus he may not vote but once; and his name being on this "certified list," *prima facie* he is a voter, and the judge of election may not go behind this, for this list is "certified" as true by the "officer of registration." This new list got up by Green, &c., is said to have been a "true copy" of the original book or "list" furnished by the registrar, yet no one testifies to any examination and comparison thereof except, as Mr. Green says, by counting the names on both lists and finding them to agree in number. Can the committee sanction this method of comparison? Would counting the words verify the copy of a bill, a deed, or any legal instrument? Surely the members of the committee will not try to legalize a list of voters compared by merely counting the names. Further, the list used was not authenticated. The law requires the registrar "shall certify to the list of voters;" this is its authentication. Could it be a legal copy, if even every name on the original was on it, without this authentication?

Did any court ever admit as evidence a copy of a deed, even though containing every word of the original, when there was no authentication thereof?

More than this, did ever court admit as evidence a paper purporting to be a copy of an original one, made evidence, which not only was not authenticated, but was proven never to have been compared with the original of which it purported to be a copy? nay, more, when the purported copy has been challenged as fraudulent, but is not then produced for comparison with the original, would any court or jury substitute such copy? Assuredly they would not. But the evidence is clear that this official record was substituted by another, claimed to be a copy, but by no one examined and compared, *not even certified by any one as true*. To admit such would be to ignore all the practice of the past.

The committee say, however, that both lists were used during the day of election. The language is: "Both the certified list and the copy made by the judges were present and were used by the judges and clerks during the election."

The undersigned do not read the testimony in the same way; we recur to respondent's testimony found in H. Mis. Doc. No. 37—testimony in this case.

John Green says, page 138:

The books used at that precinct, at the last election, were drawn up by the judges of election. We compared the newly arranged alphabetical list with the certified list by counting the names on each, and found that they agreed all through.

Gustavus Sessinghaus was duly sworn as a witness on the part of General Pile, and testified as follows:

I am 28 years of age, a merchant, and live at the corner of North Market and Ninth streets. On election day I acted as judge in the 30th election district, in the 10th ward. Another man had been appointed, but he declined, and I was appointed in his place. The judges made their returns on the certified lists made by the registering officer. The clerks on election day made use of a true copy, so far as I know, of the certified list. (Page 139.)

It will be seen that the "certified list" was only used to make returns on when election closed; the copy was used during the day of election.

C. J. H. Hamig was duly sworn as a witness on the part of General Pile, and testified as follows:

Am 24 years of age, a dyer, and live at 2117 Broadway. I acted as clerk at the 30th election precinct last election. They used a copy made from the certified list of the registrar. I know that the copies agreed. I think the judges made their returns on the certified list. (Page 140.)

Here, again, they used the copy; thinks certified list was used for the returns; knows copy agreed with the original, but don't say how he knows it.

None of these witnesses testify as to any use being made, during the election day, of the list furnished by the registrar, although the law, section 17, required that the word "voted" "*be at the time*" written on the "certified list" by the judge of election. No one testifies this was done.

The testimony of M. B. Clark, another of the judges, on page 21, corroborates Sessinghaus, judge, the clerks, and John Green. His testimony is:

Q. Were the original certified registry lists used by the judges on that day? A. They were not.

Q. What were used? A. The list which the judges received at the county clerk's office was copied, in order that their names might be arranged alphabetically—perhaps it would be proper to say in lexicon order—alphabetized on the second letter as well as the first: that is, if a man by the name of Miner should come to vote on the amended list we could find his name in those letters that commenced with Mi, and the position of those names on the list would be indicated on the list in the margin.

Q. Did the judges use any other list but this that day? A. The list used was a copy of the list received from the county clerk's office, and the additional list brought in by the registering officer during the day of these sixty or seventy names.

Q. What was done with the certified lists that came from the county clerk—what was done with them? You say the judges did not use them. A. I can't say where the list was during the day, but it was present a portion of the time, for we referred to it, to ascertain whether some of the names on the list we were using were not on that list, and we found in that instance the copy which we were using seemed to be correct, in so far as these sixty or seventy names were concerned.

Q. Did you compare this alphabetical list as a judge with the certified list, to see that it was correct in every name? A. I did not.

Q. Do you know any one that did? A. I know of no one of my own knowledge.

Yet, notwithstanding all, it is assumed by the majority that both lists were in use. We well recollect that, in his oral argument, the sitting member urged this view, seeming chiefly to rely upon the testimony of one other of the clerks, C. P. Gould—testimony, page 137—and the majority of the committee seem also to rely on him to sustain their position. Gould says: "The books that were used were the return books from the registrar, and they were copied on other sheets and put into alphabetical order, that we might find the names readily." Again, he says: "I had the original list in my hands most of the day, and when there was occasion to refer to them I generally did it." But even this man, willing witness as he evidently is, does not swear *that this original list*, which he claims to have held during *most* of the day, was marked "voted," if any list was so marked *at the time*, as the law peremptorily enjoined.

It will not be forgotten by the committee that the respondent, in his verbal argument, tried to prove, by the testimony of this witness, that the original lists only were used during the day of election, and that the new lists were used merely as indexes to find the names on the original, and that on the new lists the names were numbered from No. 1 up, so as to show on what page of the original the name could be found, &c. The idea itself would seem to contradict the object for which the new list was made, but it was supported by no testimony, and no witness refers to it in any such light; doubtless the respondent mistook Mr. Green's statement of the manner of making the new list, by numbering the second letters of the names one, two, three, &c., &c., and his grammatical construction of the word "them," in the above extract from Gould's testimony, was equally unfortunate in trying to refer it to the new lists. Now, we submit that even this does not bear out the assumption that the original was used at all except when some voter presented himself whose *name was not on the sheets they were using*, the "new list;" then they referred to the true or *legal list* to verify *the new or illegal list*; but if this name was on the latter, although he may not have been registered at all, then his vote was taken and unquestioned. No other view can be taken of this. But we will look a little closer into the testimony of this man Gould, who seems quite a willing witness for respondent. He says, page 137: "On the day of election I was acting as clerk of the election at the 30th district. I was merely taking down the names of voters, and copying and numbering the ballots as they were put in." This was all, indeed! Why was he copying the ballots? They were presumed to be secret. Why, or by what authority, was *he copying the ballots*? Possibly he does not mean that much, although he swears to it; but he was "clerk at the election;" he was merely taking down the names of voters as they presented themselves, and entering them and corresponding numbers on the voters' list. Yet, if he was doing this, his time was certainly fully occupied without the addition of holding in his "hands most of the day" the duly certified lists containing some 1,300 names, nor was it in his power to compare the lists at all if he wrote down the voters' names as they presented themselves. The whole thing is preposterous. But it must be borne in mind that it is not upon the clerks that the law devolves the duty of examining the list of voters, and writing opposite the names the word "voted," but upon the judges or some one of them; and in the labored examination of this case by the majority, we challenge the production of any evidence that this requirement of the 17th section of the law was by any one written "*at the time*" on the legal list, nor, indeed, on any list. The idea suggested by the committee that the new list was prepared and numbered so as to facilitate the finding of the names more readily, when first suggested in his oral argument by the sitting member, seemed so ridiculous that the chairman of

the committee asked him if this use of the new list would not retard rather than facilitate voting, by requiring the judge first to examine the new list to find the page of the old or certified list on which the name was to be found, that we did not expect to find it used again in the official report of the majority. We will only say, however, that the testimony will be searched in vain for any evidence of such intended or actual use of this new list. The majority say "the alphabetical list made by the judges has not been furnished to the committee." Whose fault is it that it has not been? Not the contestant's, surely. He attacked that list as fraudulent in his "notice to contestee." (See No. 14, page 3, alleging that "the certified list of registered voters was not used by the judges and officers of election, nor was the election conducted in accordance therewith.") The respondent's reply to this, on page 9, is rather adroit; he denies that "the certified list of registered voters was not received by the judges and officers of election." The contestant did not say it was "*not received*," but that being received, "*it was not used*," and the respondent, by his witnesses, Green, Gould, Sessinghaus, Hamig and Henson, proves the *preparation and use of another list* than that furnished according to law, and yet does not furnish that list for comparison! The contestant called on the county clerk to produce it on the presumption it would be filed in his office according to law, but it was not in the clerk's office; he summoned Clark, one of the election judges and his friend; on page 21 his testimony is:

Q. In whose possession are those certified lists now, viz: the original alphabetized copy.—A. In the possession of Mr. Sessinghaus, (one of the judges.)

The respondent summoned Mr. Sessinghaus, his friend, but he don't ask him to produce the new list for comparison with the original, nor yet does he furnish it to the committee. What is the legitimate inference? That the comparison would have developed its fraudulent character, and fully justified the contestant in his charge, and which he strongly substantiates by the list of the names of those who voted at that precinct "not duly registered."

This brings us to the next point made in report of the majority, who say of the 150 or more names presented by the contestant as not found on original registration, nor yet on the "certified list" received from county clerk and certified as being true copy of original filed with him by the registrar, and which copy in manuscript was in possession of committee: "The committee find 124 of the names upon the original varied in the spelling and in some instances in the sound, but which the committee believe are the same names." This would still leave some 25 names—how do they get to vote? They are not on the original registration, either by analogy of spelling or sound, nor yet on the list certified by the registrar; how, then, were they allowed to vote, if only the names on the certified list were placed on the list gotten up by John Green and others?

But they say again, "five," whom they name, "voted for contestant and are also found on original." If they are on the list of registered voters, then they were entitled to vote for either party. But the majority say again: "42 votes for contestant are not on the original, but on voters' list." If so, does that change the position of contestant, that this poll should be thrown out for fraud?

The position assumed by contestant is that these names were put on in fraud; the party friends of the sitting member controlled the registrar; he was his partisan; but these names are not on his list, therefore he is not responsible. The partisan of the sitting member, John Green, and the *confreres* whom he got to his house at night, without the aid of the registrar, to get up a list of voters to be used, and which was used at the election, must have put these 42 names on the voters' list, supposing they would vote for the sitting member; but they did not it seems do so, but the committee say they voted for contestant. Does this change its fraudulent character? The majority say, however, "the committee are not prepared to say that these 42 are not on original in some form." Nor do we doubt they are to be found on original, although they may be

and probably are among those left off the original certified list by the registrar, but added afterwards when disturbance was made about it, as testified by registrar and several other parties.

We desire, however, to make a few more observations in reference to these lists, and the numbers found registered. The views of the majority on the Anglicising of German names, bad and improper spelling, &c., may all be very correct. We express no opinion, except to ask the same liberal construction be extended to apparent similar discrepancies charged in votes for the contestant, nor have we had the time necessary to go into a very thorough examination of discrepancies either in the spelling or sounds of all the names, although, from a cursory examination, we are satisfied there are hundreds of names voted on both sides not spelled accurately, but examination by those locally familiar will show them merely misspelled, and therefore not to be thrown out in the count. But this is not wholly the case with those under consideration. The contestant in his brief gave a list of names, which he was unable to find, as such, either on original or certified list. The respondent in his brief substituted for these other names supposed to be intended for them, and duly registered. We have examined brief of the sitting member submitted to the committee, and find he presents 98 names who are registered, and whose names he claims to be intended for that number who voted in other names. Assuming that to be true, what then? Why, there is still left voting for the sitting member 46 votes, for which he in all his investigations can find no names registered that can be substituted therefor. How came they voting if not registered? The judges would not receive votes unless on the list of voters. These names were not on the certified list furnished to the judges by the registrar, that is clear, as examination of copy of that list certified by county clerk shows. They are not on original registration list presented in Doc. 37, for no name bearing any analogy to them can be found among them. How, then, do they get to vote? Clearly their names must have been put on to the additional and unauthorized list of Green used at the election.

But there is one other point in this list as furnished by the sitting member. Among the names he substitutes for unregistered names voted are 18 persons, all of whom voted in their own proper names, so that either these persons voted twice, or else the 18 names for which they are substituted are fraudulent votes, like the 46 for whom no substitutes are found. The contestant, in his replication to contestee's brief and argument, pointed out these discrepancies in written sheets, and added some 30 other names of voters not found registered, and we are a little surprised that the majority of the committee should still assume the substituted names, when it was clearly shown the parties had voted in their own name.

Many of the names claimed by the sitting member to be fairly substituted for other names as voted, and which the majority assume as correct, we are unwilling to recognize as coming within any legal principle heretofore established, but we do not care to extend this investigation further. We have clearly shown, we think, that the mandatory provisions of the constitution and laws of Missouri have been violated and set aside; that the legal list of voters was not used as the law requires, but another list got up in secret by unknown persons, and apparently partisans of the sitting member, without any authority of law whatever; that the list was not written on "voted," as the law requires. That the new and unauthorized list, although in the hands of the friend and witness of the sitting member, was not produced by him for examination and comparison; and finally that the names of at least 64 persons who voted at that precinct are not to be found on the true lists, and, therefore, must have been added to the false or illegal list used on that occasion, thereby clearly showing, in our opinion, sufficient evasion and disobedience of the requirements of the election law of Missouri at the 30th election precinct to authorize this committee to advise that the

poll list of the 30th precinct be thrown out, and not counted for either party, in consonance with all reported decisions, both in Congress and the courts in all analogous cases. In view of all the violations of the law of Missouri, and the positive presence of fraud in this case, how small, how insignificant the violations of law in Pike township, Ohio, thrown out in the late case of *Delano vs. Morgan*, by this same committee and sustained by the House, simply on the technicality that the law requires three judges to be each electors; one of these judges was alleged to be a deserter, disqualified as an elector, therefore incapable of being a judge, and also that the return did not state all who voted were "electors, as required by law." No fraud alleged or proved, no fraudulent list of voters furnished and used contrary to and in direct contravention of law. The majority, who voted to throw out that precinct and thus remove the sitting member, deliberately say in the report of the same majority which we are reviewing and from which we dissent, "The committee are, therefore, of opinion that it is not shown that there was any fraudulent substitution of voters' names at this precinct." If this is so, then no effort need ever be made to show fraud in any election.

We will only add that 30 or 40 other names were furnished by the contestant which seem not to have entered into the calculation of the majority of the committee at all.

But if in accordance with usage this poll is not so tainted with fraud by the clear violations of the law as to demand that it be thrown out of the count entirely, surely the contestant is entitled to have the poll purged of the votes clearly shown not to be registered, or, being registered, who had themselves voted in their own proper names.

The next point made and argued by the majority of the committee is as to the 37th precinct.

The contestant, in his printed brief, pp. 6 and 7, says:

II.—PRECINCT NO. 37—DEFECTIVE RETURN.

In precinct No. 37 the return is defective, because not based on registration and accompanied by the list on which the election was conducted. The law requires not only that the registration *shall be made, but shall be returned* to the county court, and that the list used at the election shall be checked, as voted, by the judges, and accompany the return. The original registry is not found in the county clerk's office, (see page 596, printed testimony, No. 21; also page 6,) nor does any copy accompany the return. Both are required to make the return valid. So far as officially appears there was no registration, and hence no election in that precinct.

The section of the law is as follows, viz:

SEC. 14. The officers of registration shall, as soon as may be, deposit with said clerk the original books of registration, which shall be kept and preserved among the records of the court, except when otherwise disposed of as hereinafter directed.

The committee say:

The only evidence before the committee that the original registry list was not returned is as follows: "No. 21 registration book not returned to clerk's office.—Jas. C. Moody, Judge." This certificate is without date, and there is no proof before the committee when it was made.

They then proceed to argue, from the case of *Brockenbrough vs. Cabal*, that because the election laws of some States require votes to be counted and certified within 30 days, such provision is only directory, and votes may as well be counted if returned afterward, &c., and hence they pass this point as not sufficiently proved, &c.

We regret to differ so entirely with the majority upon this point, both as to the fact and the law.

The fact is as stated by contestant above that the certificate of the clerk, the legal custodian of this book of registration, had not been returned to his office, up to the date of his certificate, January 3, 1867. (See page 6 of printed testimony.)

The intent of the statute is very clear, and hence its mandatory character. Persons illegally registering are liable to penalties, and the book of registration is made evidence in the courts.

Hence this book is required to be deposited with the clerk of the county court, and may be used as evidence, &c., according to law. It being important to the contestant, indeed indispensable, to know who were entitled to vote, by being, as the law requires, registered "10 days before the election," he, as the law of Congress required, gave notice with such particularity as was possible of the grounds of his contest, and having served his notice, applied to James C. Moody, judge of the circuit court for St. Louis county, requesting certified copies of necessary papers, among them the registration and certified lists, to be furnished him by the clerk, the custodian thereof. This application is dated December 11, 1866, and is included in the order of Judge Moody to the county clerk, Eager. (See pp. 4 and 5 of record, House Doc. No. 37.) The answer of Samuel W. Eager, clerk, on page 6, is the return to the command of the judge, is dated January 3, 1867, and, enumerating the papers asked for and returned, says:

I have the honor to produce certified copies of the original registration books of districts No. 21 to 42 inclusive, *with the exception of the book of the 37th district, which book has not been returned to this office.*

Each of these books, as the copies delivered to him by the clerk, are certified to by the judge, beginning at No. 1 on page 178 of the record, up to page 596, No. 21, where he certifies, "No. 21 registration book not returned to clerk's office.—James C. Moody, Judge," and then follows in order poll-book of 37th district.

It is thus fully certified that up to January 3, 1867, at least, the date of Eager's certificate—Moody's being made after—this return had not been made.

The law requires registration shall close at least 10 days before the election. The election was November 6; 10 days before was, say, October 27, and this certificate is dated January 3, 1867, or say about 68 days after registration closed, and yet the return is not made.

The contestant must close his case. He may allege that any number of the 164 voters whose votes were received at that precinct were not there on or before the 27th of October, or that they labored under other disabilities; that they took the oath falsely, &c. But how are these things to be proved or disproved? Only by the official registration or certified copy, in accordance with the law of Missouri. But in this case there is neither; being no original, there can be no copy. It is clearly the right of the contestant to have this record; neither he nor the committee can tell without it whether any of these men were legal voters in Missouri, where registration, under certain conditions precedent, is demanded and *peremptorily required*.

Now, we ask, upon what evidence does the majority of the committee act in receiving as legal votes these 164 from district No. 37? There is none; for there can be no legal vote without registration, and there is absolutely no evidence of registration in that district. This conduct is in most noticeable contrast with the rejection by the majority of the committee of certain precincts in Kentucky, in the case of *McKee vs. Young*, where the grounds of objection in no way touched the merits or fairness of the election.

The sitting member, in his verbal argument before the committee, admitted that he had no doubt that when Eager, clerk, made the certificate the book had not then been returned, but, when asked by the chairman of the committee if he knew it had been returned since, he said he did not know whether it had or not.

If it had been returned he could have procured a copy and thus refuted the allegation. Failing to supply the lack, and especially when his own party friends, the registrar and the county clerk, are the only ones that could supply the list, the case on all principles of justice must be given against him, and this precinct ought to be thrown out.

In the case of Blair *vs.* Barrett, the contestant alleged the absence of evidence on the record that the judges had been sworn; it was held by the committee and the House that it was the duty of the contestee to supply this evidence; failing in which this precinct was thrown out, and Barrett lost his seat. This ruling has been since affirmed. This has frequently been held a necessary part of the return. The Missouri law makes the evidence of registration essential to the right to vote, and the preservation of this evidence in a given office an imperative requirement. Can the committee set aside this provision?

The majority of the committee have held in the recent case of Delano *vs.* Morgan, that while the law of Ohio specifically required the return should show that all who voted were "electors," and as this designation was omitted in the certificate of return, the omission was fatal. The Missouri law requires registration; requires the evidence thereof to be filed with the clerk; requires the voter's name to be marked "voted" on the list, and this list to be returned. *None of these absolutely mandatory provisions are complied with*, and yet the majority of this committee fail to see this fatal omission, which practically shields a party friend.

Presuming the attention of the majority had not been directed to the peculiar reasons of this requirement we have given to it this examination, and, in accordance with all analogous precedents, reject the poll, and shall therefore, in our summary of result, deduct it from each of the parties. The vote at that precinct was: Pile, 94; Hogan, 69.

We next refer, although not next in the order of the majority, to "the after-sunset vote." The majority do not undertake to settle the legality of this vote, nor indeed to express any opinion upon it, yet retain the return for the 26th precinct, because there only the voting was continued without any formal closing of the polls. We are unwilling to unite in this acquiescence, believing it would make a very bad precedent, and lead to injurious consequences. The election law of Missouri requires the polls to be opened "from sunrise to sunset." The question of the legality of votes taken after sunset, as far as our knowledge goes, has never been adjudicated in that State; indeed we do not find that any after-sunset vote had ever before been counted in the State. When the return was made from the 26th precinct of a night vote, the clerk and judges passing on, or rather footing up, the returns from the precincts heard an argument from one gentleman on the subject; after which the clerk and one county judge agreed to receive this return and certify it up to the secretary of state. The other county judge united in the certificate to the general return, but refused to certify the "after-sunset vote," and entered his protest against its reception. See testimony of John F. Long, county judge, page 33. The other election judges generally refused to count and certify the night vote, but when at last they did send it up to the clerk from the 28th precinct he refused to receive and include it in returns. The secretary of state, in his official certificate filed with the committee, evidently does not regard the night vote as of equal validity with the day vote, for he enumerates them separately, and specifically presents the former in red ink, in contradistinction with the latter, thus:

William A. Pile received 6,587 votes before sunset; 141 votes after sunset; total vote before and after sunset, 6,728.

John Hogan received 6,417 votes before sunset; 93 votes after sunset; total votes before and after sunset, 6,510.

Assuredly if he deemed the after-sunset vote as legal as the day vote, he would have made no such distinction. The undersigned deem the argument in contestant's brief, on this subject, conclusive; but are unwilling, even tacitly, to admit the legality of such votes.

We state freely, if the night vote is to be counted at all, it should all be counted; and the evidence is clear to our minds that the contestant would have

a large majority ; but, unwilling to open such a door to fraud, we, without any hesitation, reject the whole after-sunset vote, and trust the majority will, on further examination, adopt our conclusion.

The next point we note in the report of the majority is the argument in reference to illegal, because "unregistered, votes," charged by contestant to have been polled at certain precincts for the sitting member, and by him repelled on the ground that many of these names, being written by the voters in German, may have been mis-spelled in writing them in English.

We are free to admit that such errors may occur ; nor do we understand the contestant to claim such ; for from the cursory examination we have been able to give this matter, we should infer there were several hundred such misspelled names in these lists, mostly made by apparently very ignorant and incompetent registrars and election clerks. *But these are not what contestant complains of, but that names are marked voted for which no reasonably analogous name can be found among those who are registered.* To present a few instances as illustrations, we quote : the contestant charges that "Charles S. Maury," who votes, is not registered. The contestee says this name should be "Charles L. Malony." Possibly this mistake might have been made, and would be admitted, but that "Chas. L. Malony" voted in his own name ; hence, he either voted twice, or this substitution should not be made. So, also, "George Beckman," it is charged, is not registered. Contestee says this name is not registered, but it is intended for "George Buchanan," who is registered.

There is not sufficient analogy to admit them, and, besides, "George Buchanan" swears that he did not vote at all, because, when he handed his ticket to the judge to vote for contestant, it was refused because his name was already marked on the list "voted," doubtless the fraudulent vote of George Beckman, above.

We could present many other illustrations, but forbear. The majority enter into a learned argument on language, especially the changing of German into English names, &c. We do not feel disposed to go into those matters. The majority seem, however, satisfactorily to account to themselves for the great discrepancies, both in sound and spelling, of the names presented ; and conclude by the general statement that the committee find all the names charged by contestant against contestee sufficiently indicated on the registration lists ; hence not fraudulent.

But, singularly enough, they say, "The committee are unable to find the names of those voting for the contestant." "German idioms ;" "bad spelling ;" "taking down names by sound ;" "copying names," and consequent liability to mistake—none of these can be applied to cure names voting for contestant furnished by contestee. They are all fraudulent votes, which the committee are unable to find registered, or even indicated by similar names. The contestant has had no sufficient opportunity to examine or attempt the correction of grave errors, to illustrate which we select some from the list, viz : "John P. Lorkin" is registered John H. Linkin ; "R. A. W. Krenshaw" is registered as Raw Crenshaw. Now, while the committee could find no names, as registered, to stand for those names and others, we can but admire the great stretch of charity which, when the name "Gotlieb Steindler," as voted, is claimed to be not registered, they can readily assume that it should be "G. Spinelun," or else "Gottlieb Sepmellem." When "H. Winhold" is the name as voted, claimed not to be registered, the committee find the name clearly indicated by "H. Memolett," or surely by the name "Henry Meinholett." When the name of "Henry Gutledge," as voted, is claimed not to be registered, the committee can readily find his name substituted by "Herman Hetlage," or "Herman R. Hetlage." But enough of this ; we might supply many such from the brief of contestee.

We close this point with a single remark : All, without an exception, of the

registering officers were the partisan friends of the sitting member, and were all opposed to the contestant. They registered whom they pleased, rejected whom they pleased, and no appeal lay from their decision to any one but themselves. They arranged and made up the voting lists, and no one could vote unless his name was on these lists, except at the 30th precinct, where another list was made and used; and it is in evidence that hundreds of the friends of the contestant were fraudulently left off these lists, and thus these votes refused by partisan judges, while, by the improper and grossly ignorant way in which these lists were gotten up, thousands of good citizens and legally registered voters could not vote at all. And while, in addition to all this, nearly all the judges and clerks of election were also the partisans of the sitting member, and in scarcely any of the precincts was there more than one of the judges or officers of the election the friend of the contestant, how then, we ask, was it possible to poll any fraudulent or unregistered votes for him? The idea is clearly preposterous. Much more likely is it that, as so many fraudulent appliances were brought to bear to carry this election, these judges and clerks would write names wrong, or throw out, as was done in many cases, votes for contestant which should legally have been counted for him.

We wholly dissent from the conclusions of the majority, both in regard to the imperfectly indicated names voted for sitting member and the alleged votes claimed to have been fraudulently given for the contestant.

The majority of the committee refer very briefly to the action of the county court of St. Louis county, Missouri, in the arrangements of the voting places or precincts of first congressional district. It may be very true, as they suggest, that Congress cannot arrange these matters, but it is also true that Congress may not sanction the outrage of depriving large numbers of legal voters of their franchise, by providing only a few places in which votes can be deposited, and making it necessary for such multitudes to crowd the polls where not half can vote. In New York a poll has to be provided for each 500 or 600 voters; in Philadelphia for each 400 voters; while in the case under consideration there had to be an average of about 2,000 votes polled at the four precincts complained of, and to increase delay the "lists" of voters were, by ignorant and unscrupulous partisans, so badly spelled and arranged, as that only a few could vote, as for instance at one precinct, out of a registered vote of over 2,200, only 901 votes were polled in the day, and it is in evidence that men had to stand in line from four to six hours in order to get up to the judges at all.

The committee say this acts as much against one party as the other. It would if the election were honestly conducted, but it is in evidence that peculiar facilities were furnished one party, while hundreds of the other party could not be found on the voters' lists, and hence were not allowed to vote, although registered.

The tickets in size and color of paper showed for which party the vote would be cast.

The majority of the committee see nothing fraudulent in restricting the voting places of a congressional district to 21 precincts, although one of these districts with its registrars, three judges, and two clerks, has but 35 voters in its area, and nine other precincts, each with registrars, judges, and clerks, have an average of less than 150 voters each, while four other voting places contain about one-half of the entire registered vote of the district!

As this matter, however, is very clearly presented on page 9 of contestant's brief, we append the extract:

The practical result was that while for polling 16,947 votes 21 voting places were allowed, 7,842 of these votes, lacking only 631 of being half of all the district, were required to be taken, if at all, in these four precincts, constituting each a legislative district. This was known to be wholly impracticable.

Hence 2,935 votes, nearly two-fifths of the registered vote assigned to these four precincts, were not polled. Compare this with the other precincts. The whole unpolled registered

vote in the congressional district was 3,945, of which it appears 2,935 were in these four democratic precincts, leaving but 1,010 for the remaining 17 precincts, an average deficit of about 735 at each of these polls, against an average deficit of say 60, at the other 17.

We deem it very clear from this succinct statement that not only was great injustice done to the citizens by this arrangement, but the contestant lost by it hundreds of votes, and it was one of the many appliances of this election by which the people were deprived of a full and legal opportunity of voting for the member they preferred. The election became distinctly partisan:

1. By districting the city in the interest of the friends of the sitting member.
2. By improper use of lists made by partisan friends of sitting member, not in accordance with the law of Missouri, and directly in the interest of the sitting member.
3. By closing at sunset, in accordance with the law of Missouri, certain polling places which might have given a majority for contestant, but keeping open, without authority of law, other polling places which gave, or helped to give, a majority to sitting member.

The contestant claimed before the committee, and in his brief, that 25 duly qualified voters were placed upon the rejected list, not for any of the disfranchising clauses or acts of the Missouri constitution or registration laws, but from the corrupt action of the registrar, who was himself a candidate for office, and because these men would not vote for him, (the registrar.)

The affidavits of these men are published with the testimony; they were subjected to cross-examination by counsel for the sitting member, (much of it very impertinent and irrelevant,) and nothing disloyal proved against them. Some of these men had borne arms during the late war in defence of the country; others were old men. Some, as one of them testifies of himself, "had been regarded as radicals" by their neighbors. One, the registrar says, is "a loyal and qualified voter," but still refuses him his proper place upon the qualified list; others, after being registered as qualified, were put on the rejected list, without having received the notice required by law; and others of them are still found on the qualified list, but their votes for the contestant rejected by the judges.

All these we hold to be legal votes for contestant, in accordance with the principles laid down in the argument of this committee this Congress, in the case of *Burch vs. Van Horn*, page 6 of the report.

So holding, we shall count these 25 votes for the contestant, not willing to acquiesce in the summary disposition of this appeal by the majority, who deem it "unnecessary to investigate in detail the case of each of these persons, because, whether admitted or rejected, their votes could not vary the result." So we might state in reference to any contested case: if we reject all parts because they separately will not vary the result, then the labors of the election committee may be very much decreased, by assuming a conclusion at the outset, and then finding facts to sustain it.

If this is to be the result the country should be advised of it in advance; but believing, as we do, that these details are material and do vary the result, we enter into this investigation.

There is another point in this case, to which the majority have made no allusion at all; and as it is proper, and does "vary the result," we will bring it to the attention of both the committee and the House. We refer to "votes of legally registered and qualified voters, who were refused by the judges of election, because their names were fraudulently or by accident omitted from the 'certified lists' although duly registered." These names are found on the brief of the contestant, from pages 17 to 22, inclusive.

On these pages are to be found the names of one hundred and twenty-nine (129) persons, all of whom swear that they were registered voters duly qualified. The page where they are registered is given, with the name and page of testi-

mony where affidavit is given. After notice and cross-examination, they swear they got to the judges after great effort, gave in their votes, and were refused because their names were not found on the voters' list, as by law they should have been, and that their votes were for contestant.

It was a great outrage of these partisan registrars to leave off the voters' list, which they "certify" to be "a true list" of registered voters, so many names who finally succeeded in getting up to the judges and handing in their ballots, to be returned to them with the announcement, "name cannot be found."

But will Congress sanction this outrage? Will the committee, who are fully authorized to do justice, after the contestant has been at the trouble and expense of procuring this legal testimony, now ignore all past decisions as to the legal admissibility of votes illegally refused, and thus sanction the improper action of these "officers of registration" who have made such unlawful returns? We trust not. These are to all intents and purposes votes given for contestant; they should have been received and counted by the judges. They should be counted by the committee and the House. Indeed, we might assume that the failure to include them was a mere oversight, but for the too evident determination of the committee, as exhibited in the majority report, to give the sitting member the benefit of the votes of such of his friends as stood in the same situation. Because the report of the majority in this very case sustains our position. Votes were allowed at the 30th precinct, "legally registered," but omitted from the "certified list." These names the registrar at that precinct felt compelled to add by an amended list made during the day of election. The majority say:

In the opinion of the committee it would have been an error to have refused to receive the votes of those persons who were properly registered, although their names were not on the certified list.

So we think also; and when they reached the judges, handed in their ballots, and duly testify, after notice, for whom they intended to vote, it would be a grave error to refuse to add these to the vote of contestant.

The last point made by the majority of the committee, which we shall notice, is that relative to the affidavits of persons who declared they each voted at the 23d precinct for contestant, but whose votes were counted for sitting member. This, though last, is not the least of the gross frauds of this election. The majority reject these affidavits because there was no proper notice, no cross-examination, and because many of these voters are shown to have voted for both. We are not prepared to say that these affidavits are, in accordance with the strict rules of evidence, legal. But there are some circumstances in the case we would refer to. On page 3 of testimony will be found, in contestant's notice of contest, this specification, viz:

16th. I charge that, in every election precinct of said first congressional district, you received, by a false and fraudulent count, more votes than were really cast for you, and I shall insist on a recount of all the ballots cast at the election. I charge that, after ballots were cast for me by legal voters, and put into the ballot-boxes of the several election precincts, said ballots were, in a great many instances, abstracted and not counted for me, but other ballots fraudulently put into the said boxes, corresponding to the number and names of persons who had voted for me, as if they had voted for you, which last-named fraudulent ballots were counted for you, and I shall demand a comparison of all the ballots with the names and number of voters on the poll-books.

This is a notice pretty clear and definite, and was so regarded by sitting member, and hence on page 9 of testimony we have his replication as follows, viz:

In answer to the 16th ground, as set forth in said Hogan's notice of contest, this respondent denies that there was any false or fraudulent count of votes, or that he has been benefited by any such count.

Respondent denies that any ballots cast for said Hogan were abstracted and not counted, or that other ballots were put into said boxes corresponding to the number and names of persons who had voted for said Hogan. This respondent has no objection to the demand of said Hogan for an examination of all the ballots, as he proposes in his notice.

No names are furnished, because, the ballot being secret, the names of those whose ballots were changed could not certainly be ascertained until the comparison of all the ballots with the names and numbers of the voters on the poll-books was completed and furnished.

That this had been done in several precincts was believed from the comparisons instituted; hence the 16th specification. The response of the sitting member is also clear in denial that he has been benefited by any such count, and says he has no objection to the demand for comparison, &c., &c. Thus it becomes a simple issue of fact, and can only be determined by comparing the names and numbers as voted with the numbers as counted for each candidate.

The clerk being by law the custodian of election returns, ballots, &c., on the mandate of the circuit judge, in accordance with the law of Congress, examined and certified the numbers on the ballots counted for each candidate as returned by the judges of election, and by comparing these numbers with corresponding numbers on the poll-list, it is readily perceived for whom each party voted. Many well known and influential citizens are by this comparison found apparently voting for the sitting member, their ballots being counted for him. Publication was made in the newspapers of St. Louis of this fact, and these gentlemen, to the number of about 100, sent their affidavits to the contestant to assure him of the fact that *they did not vote for the sitting member, but did vote, each and all of them, for contestant.*

This is simply a question of fact. The tickets were printed, party lines were very closely drawn, these gentlemen are vouched for as intelligent lawyers, bankers, merchants, doctors, mechanics, of well known political proclivities. When they swear they knew for whom they voted, and when the official certificate of the clerk of the county court certified to the numbers as counted for the sitting member, and numbers corresponding to each of these names are found to have been counted for the sitting member, and hence made fraudulently to increase his apparent vote, cross examination could not change these facts. But the majority say as a reason for not entering into a full examination, "many of these are shown to have voted for both" candidates. Suppose this is so; *is it not palpable that all of these votes should have been counted for contestant, and none of them for the sitting member?* Is it not equally palpable that if any of them are counted for the sitting member, they are so counted in fraud, none of these persons having voted for him at that election? And is it not equally clear that any such votes counted for him, included in his aggregate, are not honest votes and should be deducted from him by the committee and the House? But when it is shown that all of these votes are counted for the sitting member, that not one was voted for him, and that he receives his apparent majority by this fraudulent count of votes, not only not given for him but actually given against him, and for his competitor, the contestant, then it becomes at once the duty of the committee, as guardians of the purity of the elections of members of the House, promptly to decide against the sitting member, although he is of the party in the majority, rather than try by mere legal technicalities to surround and shield the multitudinous frauds developed by the investigations of this case.

The party in the majority both of the committee and of the House can, as a mere party matter, better afford to be just to a wronged constituency, even if in being so they unseat one of an overwhelming party majority, than, by his retention, give their sanction to such wrongs as have been perpetrated in this case, and thus make precedents, which will "assuredly return to plague the inventors" and those who sanction and sustain them.

On page 247 of the record of this case is the certificate of the judges at precinct No. 23 that the whole vote polled there was 1,016, of which, as by the count, William A. Pile had 381 and John Hogan had 635. Then follows the numbers on the ballots for each; those numbers for John Hogan count up 632, and one not numbered; those for William A. Pile on pages 249 and 250 count up exactly 381, and yet over 100 votes sworn to have been for Hogan are found,

all and each, counted among the numbers for William A. Pile, and necessary to make the number 381. We need say no more on this subject, except to intimate that, by this fraudulent transfer of votes from the contestant, to whom they were all legally given, to the sitting member, for whom none of them were given, about (of itself independent of all the other frauds we have examined and commented on) makes the majority by which it is claimed he is elected. That is to say, deduct from the aggregate of sitting member's vote the votes counted fraudulently for him at precinct No. 23, and add these to the number returned for the contestant, and the latter will have the majority, independent of all the other considerations we have presented.

But in our view of the case, even assuming that according to the strict rules of evidence the matter of the 23d precinct cannot now be taken into consideration, in the absence of the frauds which in the opinion of the minority of this committee entirely invalidate the election in this district of Missouri, the contestant is entitled to his seat as having received the majority of the legal votes virtually polled at the election, November 6, 1866, and now proceed, in conclusion, to present the following summaries or recapitulation, supposing the question of fraud to be left out of the case altogether for the present purpose.

The majority make up no account of results; they take the original certificate; they accept the conclusion that the sitting member is elected, and report accordingly. We will do otherwise, so the House can itself judge who was legally elected. We cannot see how it is possible, in view of all precedents, not to reject poll No. 30, for clear violations of law and palpable fraud.

Our synopsis of the case, based on this rejection, is as follows, viz :
Total vote, as per certificate of secretary of state of Missouri, as above :

William A. Pile received before sunset	6, 587
William A. Pile received after sunset	141
Total vote before and after sunset	6, 728
From this deduct as per our view :	
Total vote, precinct No. 30	828
Total vote, precinct No. 37	94
Total after sunset vote	141
	1, 063
	5, 665
John Hogan received before sunset	6, 417
John Hogan received after sunset	93
Total vote before and after sunset	6, 510
From this deduct as per above :	
Total vote, 30th precinct	368
Total vote, 37th precinct	69
Total vote after sunset	93
	530
	5, 980
To this we add :	
Votes registered, proved to have got up to the judges to vote for contestant, but refused because the judges said their names could not be found on certified lists	129
Illegally refused by registrars	25
Total	6, 134
Hogan's majority	469

Or second method, on the assumption, that notwithstanding established precedents, *in this case* the vote of a precinct for palpable violations of law will not be thrown out, but that the poll will be purged of such fraudulent votes as cannot be questioned, we present this summary, viz:

William A. Pile, number of votes as above	6,728
Deduct fraudulent at No. 30	64
Total vote at No. 37	94
Night vote	141
Total	299
John Hogan, total as above	6,510
Deduct total vote at No. 37	69
Deduct night vote	93
	162
	6,348
Add as in first statement	154
	6,502
Hogan's majority	73

The minority of the Committee of Elections, after carefully reviewing this case, respectfully report that they cannot concur in the report of the majority of said committee thereon, and for themselves respectfully report to the House of Representatives that in their opinion the manner of registering voters, of polling votes, and of conducting the election by the officers having charge thereof, was not in strict accordance, but in direct evasion and violation of the laws of Missouri regulating the registration of voters and conducting elections; also, that a sufficient number of fraudulent votes were cast for William A. Pile, the sitting member, to invalidate his election.

JOHN W. CHANLER,
M. C. KERR,
Minority of Committee.

Additional views by Mr. Kerr, a member of committee, to be appended to report of minority.

The undersigned, while uniting in the report of the minority of the committee, feels it due to himself, as well as to the questions presented, to add the following to the detailed statements therein made:

Necessary absence during the preparation by my colleague of the minority report precluded my giving much active aid in its arrangement.

The report of the majority contains lists of names alleged by the contestant to be fraudulent or unregistered names who voted and were counted for contestee, and help, therefore, to make up the majority counted for him, but which lists, the sitting member claims, are not such, but are merely misspelled, or being written by sound by the poll clerks, were so written as to appear to be different names from those who really voted, and hence he proceeds to furnish what he claims to be the true names, and the page where they are registered.

The undersigned, having given some attention to this matter, will now proceed to an examination of these lists from the brief of sitting member, being all the lists furnished to the committee, as far as the undersigned is informed, and

he will also examine other lists, also furnished in the brief of the sitting member, of names which he claims are not to be found registered, but who voted for contestant.

As my examination will be of the names in the brief of the sitting member, I shall, therefore, refer to the pages thereof, because the report of the majority where these names are reproduced has not been printed, and if there are other names beside those, not having seen them, have not had opportunity for comparison and examination.

On page 10 of brief of contestant there are set forth 17 names with the number of each vote for contestee claimed to be illegal, because "not duly registered." On page 2 of brief of contestee, to each of these there is appended what is claimed to be a synonymous or somewhat analogous name, as found on the registration lists; yet the committee will remember the contestant claimed that these 17 names were not on the original, but fraudulently added to the "certified list" furnished for the use of the judges, and thus permitted to vote, although not registered; and if this is so they were not entitled to vote, and hence should be deducted from the vote of contestee.

I am aware the majority in their report profess to find, by a learned examination of the German names and the translation into English, something they claim to be analogous to some of those registered. This is a very strained construction, and I would think it very doubtful whether, in the light of this argument, a false or fraudulent vote could ever hereafter be proven. Not acquiescing in these distinctions, and not being able to find these parties on the original registration, I must claim they are not there, and hence are fraudulent.

Singular, however, it is that while the majority enter into this argument to prove the names that voted for the sitting member are not fraudulent, they readily charge the 18 names which contestee presents on page 6 of his brief to have voted for contestant as fraudulent, "which they are unable to find registered," but which are registered with the very slightest kind of variations in spelling, which I will now point out, giving the name as in brief of contestee, with name and page as registered.

Name in the brief, page 6.	Name as registered.	Page.
Patrick Lagea.....	Patrick Leggett.....	282
Philar Thomas.....	Thomas Phelan.....	281
Thomas Karaw.....	Thomas Kearney.....	286
S. J. Bunger.....	S. J. Punshon.....	292
C. T. Comrad.....	Have not been able to find.	
Thorna Kalligar.....	Thomas Gallagher.....	287
James W. Nurph.....	Joseph William Kircher.....	279
Henry J. Harrison.....	Thomas Harrison.....	293
Tom Yule.....	J. A. Yore.....	294
John P. Lorkin.....	John P. Linking.....	278
*Matthew Blunch.....	Name illegible; 16th and Franklin av....	285
*Plunkett, Matthews. On certified list, residence, 16 and Fra. av.		323
Sullivan Bath.....	Bath Sullivan.....	284
L. A. Morthy.....	Leslie A. Moffit.....	284
R. A. W. Krenshaw.....	R. A. W. Crenshaw.....	290
Thomas H. Criffin.....	Thomas H. Griffith.....	287
Beorges Allen.....	Anton Borroz.....	293
R. F. Bropt.....	Richard Y. Brophy.....	277
Daniel Delpher.....	Daniel Devlin.....	282

* Evidently same person.

Thus 17 of these false names vanish, and leave only *one* to be counted against contestant; and for that it would be very easy much more nearly to identify a name than in the cases of many of those assumed for contestee.

I next take pages 2 and 3 of brief of sitting member in reply to page 10 of contestant relative to precinct No. 26. Contestant presents 61 erroneous names who voted for the contestee at this precinct. For these he presents some names which, under all the circumstances, may be assumed as so nearly synonymous or identical as to be admitted. As for instance:

James D. M. Coff, may be assumed to be James D. McCaff; John Williamson, may be assumed to be John Wilkenson; August Regerman, may be assumed to be August Breuggeman; Herman Vendrat, may be assumed to be Herman Bendral; Lewis Casiger, may be assumed to be Lewis Kassehagen; Thomas Nidersheek, may be assumed to be Thomas Kindischeshek; Henry Frieselman, may be assumed to be Henry Fredman; James M. Seete, may be assumed to be James M. Leeld; John Icy, may be assumed to be John Erse; and so of several others presented in brief of sitting member; but for many of those charged as fraudulent there are no names substituted, and for many others he substitutes names as the proper ones, but examination develops the fact that these parties so substituted have voted in their own proper names, and this proved they were not the names so claimed.

I now proceed to exemplify this statement. J. C. Dow is not registered; J. C. Atwood will not substitute Henry Reckrath not registered; contestee claims this name is a misprint, and should be Henry Bockrath; this latter name is registered; he also voted No. 600, so he cannot be so substituted; Martin Miser is not registered; Francis Reyseger is said to be a misprint, and should be substituted by John F. Reyseer, who is registered, but he casts vote 465, hence is not the man; Charles S. Maury is not registered, but this name, it is claimed, should be Charles L. Malony, and this might do, but that Charles L. Malony's vote is No. 347; George Beekman is not registered, yet is claimed to be George Buchanan, but is not, for he votes himself No. 529; Charles Springer is not registered, no substitute found; Charles A. Spalhinier, not registered; Hickman Sheeley, not registered; Ferd. Wohling, not registered; Ferd. Wallendy, it is claimed, is here intended, but he voted No. 797; Adam Schaffner, not registered; John Tobin is not registered; Pat. Kenihan is not registered; Pat. Kinney, it is claimed, is here intended, but Pat. Kinney in his own name casts his vote No. 905, so he is not the man; W. A. Reamer is not registered, but is claimed to be either W. A. Raymond or W. J. Rerner; both of these names are found on certified list. Are they on original? But which is the right man? The name is like neither in sound nor spelling; moreover, one of them votes, No. 1,176, as Chas. A. Raymond.

John Sisley is claimed to be Q. R. Siesta on the certified list, or John R. Siesle, p. 338 original registration. I do not find the substituted name on page 338.

J. F. Sherburn is not registered; Fred. Gibbatch, not registered; Michael Williams, not registered; J. H. Buckstuff, not registered; Michael Cregan, not registered; Fred. Woofslager, not registered.

It will be perceived that after allowing all for which he claims to have found any name registered to substitute, except where the parties so substituted have voted in their own proper names, there are still left at this precinct, to be deducted from return of sitting member, 21 votes, as improperly counted for him—all these votes being counted for the sitting member.

To have this precinct complete, I now examine the claim of the sitting member adopted by the majority of committee, that in this precinct many names not found registered voted for the contestant, although the registrar and the two active judges, who took in all the votes, were active partisans of sitting member and equally active opponents of contestant; it is not therefore easily to be perceived how he or his friends could get in fraudulent votes, and especially as it

is in evidence that very many of his friends were refused their votes, although regularly registered as qualified and unobjectionable.

But I take up contestee's list, on pages 6 and 7:

Name as given in brief.	Name as registered.	Page.
Thomas Garrity	Thomas Geraghty	336
Charles W. Dutton	Chas. L. Dunham	336
B. P. Lennox	B. P. Lennoe	345
Thomas Mackavelly	Thomas McEvily	330
C. H. Rohlman	C. H. Ruhlmann	332
Marshal Beaudrau	Marshal Boudreaux	343
Christian Whispen	Christ. Wissman	335
H. W. Dickhamer	H. W. Dickhoener	330
Abraham Teffer	Abraham Tuffender	339
Henry Norre	Heinrich Nune	332
W. Richter	W. C. Riter	358
Terrance Donaghue	Terrence Donohe	333
J. W. Offeheidder	F. W. Aufderheide	339
John Terf	John Taafe	350
A. Killburn	A. Kilhner	339
O. B. Roberts	Oby Robirds	341
Alfred Gilschlickie	Adalbert Ryehlicki	344
Henry Carning	Henry Carney	339
William Cordin	William Curtin	346
Charles H. Stalles	Charles S. Stelle	349
James Dowe	James Dore	332
Z. Roderick	Z. Roderies	336
Francis Boehler	Francis Bechler	340
Fred. A. Weiniger	Fred. G. Wenige	343
Wilkinson Edwards	Edward Wilkerson	332
John Filibert	John Philibert	341
Joseph Mackaway	Joseph McAway	332
George Sich	George Lich	347
Charles Lichter	Charles Richter	348
Julius Fellzer	Julius Pfulzer	335

Thus all these assumed fraudulent votes for contestant are shown to be duly registered, and scarcely more than a variation of a letter found. Yet how ready the majority to charge all these to contestant, while so easily passing over those of the sitting member.

I next proceed to consider the names as found on page 12 of brief of contestant, and replied to on page 4 of brief of sitting member, as voted at precinct 27.

Hy. Mentzerodt, not registered; G. H. Goefring, not registered; John Seiver, not registered; John Sentroff, not registered; Jacob Brockless, not registered; Philipp Obermiller, not registered; P. Overstulz, jr., not registered; Charles Fininger, not registered; Charles Reedsing, not registered; F. Vettner, not registered; J. J. Obaum, not registered; John Wilsler, not registered; A. Mizenzag, not registered; J. Cout, not registered; Fred. Lemer, not registered; Jacob Osborg, not registered; George Mehter, not registered; George Wilfred, not registered; Peter Extreter, not registered; P. G. Lesmington, not registered.

H. Mussenweth, not registered; David Wilkening, not registered; Charles Wachter, not registered; Henry Traber, not registered; Andrew Weiss, not registered; Andrew Wiest, not registered.

The sitting member in his brief presents no names as registered to substitute for any of these names.

Phil. Overstultz is claimed to be Philip Oberschutz; Gotlieb Shindler is claimed to be Gottlieb Sepmelle. H. Blatkel is not registered, but August Plaeke is sought to be substituted; but he is the same person whose vote is No. 456 as August Peke, hence cannot be substituted.

H. Leker is not registered; he is claimed to be Hunrick Luker, but this cannot be, as Hy. Luke, no doubt the same person, votes No. 675, hence cannot be substituted.

J. B. Kronemire is not registered, but it is claimed this is intended for J. P. Gronemeier, registered page 400. There is no J. P. Gronemiore registered on page 400, or on any other page, that I can find. There are, however, registered on page 400, Henry Gronemeyer and also William Gronemeyer, but neither of these can be substituted, for the former voted in his own name as No. 556, and the latter as No. 793, both for sitting member.

August Emptke is not registered; August Tink, or August Temke, doubtless both meant for same man, is claimed to be intended for the above name, but as vote No. 375 is given for sitting member by H. H. Tremker, no doubt another variation of same name as Trenke, there being no other such name registered, I presume Emptke will be admitted as fraudulent.

Thus are presented thirty-one (31) names, none of which are registered, and for which no names are satisfactorily substituted. Will it still be held that these votes also be counted for sitting member? I trust not.

I now direct attention, in reference to this 27th district, to the statement in brief of sitting member, page 7, as to names voted for contestant "not found registered:"

Name as in brief.	Name as registered.	Page.
H. Regal	Wallace C. Royal	399
William Desmond	On certified list No. 461, Demund, William; as on register, William Leman	411
Hy. Muman	Herman Meiners	391
Jacob Randy	Jacob Runder	394
Joseph Sharp	John Scheipers	401
John Seperhurd	John Shephard	394
Hy. Schensman	H. Schrman	388
Bernard Hesper	Hesper Bernhardt	389
Philip Odenwelder	Ph. Oberwinde	423
J. B. Seahart	Blank on original registration, Wash street, between Fifteenth and Sixteenth; on certified list, J. G. Scubert, Wash street, between Fifteenth and Sixteenth.	
Paul Wagoner	Pauls Wagner	393
A. J. Pagnagle	H. J. Tengnugle	404
John Falen	John Phelam	409
R. Lunden	H. Lucke	393
Henry Sands	Certified list No. 1809, Sandt, Henry; registered list, Henry Sanott	400
Anton Krinest	Antors Kraynert	389
John Hetge	John B. Heet	395
Frank Vasser	Frank Vossel	389
Gustav Balthus	Ch. Bulthes	391
J. M. Reed	John H. Reid	392
James Morrison	James Morris	409
Chauncy Shannon	Francis Shannon	407
William Shea	William Shay	409

Thus each of these names is accounted for without doing violence to any. It is indeed singular how slight the variations are, and I may remark here that there are hundreds of names voting for sitting member, and unquestioned by contestant, with much more palpable deviations than any of these; but as it manifestly was but error in spelling names, no notice has been taken, where two similar names could be found.

I next proceed to precinct No. 28, charged in brief of contestant on page 13, and replied to by sitting member in his brief at page 5:

Henryx Stitgers, not registered; no substitute found.

J. H. Bode, not registered; claimed to be J. H. Bockla or J. H. Bodu, but the latter's vote is No. 562, so he is not a proper substitute.

W. Fall, not registered; M. Slitzer, not registered; John H. Lunders, not registered; F. W. Leibing, not registered; P. Rosenbun, not registered; F. H. Furnegest, not registered; P. Sable, not registered; C. Lutman, not registered; P. G. Schrader, not registered; Conrad Hans, not registered; H. Oremus, not registered; H. Keffer, not registered; Chas. Kramer, not registered; W. Klatzman, not registered; H. Gerble, not registered; Wm. Edgart, not registered; P. Grossman, not registered; Wm. Breanard, not registered.

These names, as such, are not registered, hence not eligible as voters. The sitting member does not present any names to be substituted for them. I am unwilling to recognize them as properly substituted, and hence count them as fraudulent and illegal votes for contestee.

The following names at this precinct are attempted to be substituted, viz:

T. M. Coxwater, not registered; claimed to be T. M. Kattwasser; but this name is not found on the registered list, only on certified list, where it is placed fraudulently.

Henry Guttedge, not registered, but claimed to be Herman Hettage, or supposed to be same name as Herman B. Hettage; but this man's vote is No. 1196, so he cannot be substituted.

John Basse, not registered; claimed to be John H. Boose, or John H. Bosse. This, however, cannot be the man, as his vote is No. 1444; the name there spelled Jno. H. Boonce.

Thus in this precinct there are 23 illegal votes for sitting member, even allowing all others to have been substituted; but many of them are so far-fetched, the legal rule in such cases has to be strained.

While, however, the majority are willing so far to strain construction as to recognize similarity in many of these names, for the benefit of the contestee, they have no toleration for the slight errors in spelling names voted for contestant; they put all down as fraudulent votes; therefore I shall now proceed to an examination of those names presented in brief of sitting member, page 8, "as unfound and misspelled," &c., &c.

Name as in brief.	Name as in register.	Page.
Henry Pliermeyer.....	Henry Plossmeier.....	459
Michael McGrath.....	Michael McGraff.....	461
Henry Fuitter.....	Henry Fleiter.....	458
John Stundborthy.....	John Sandbothe.....	447
William Honiger.....	William Hunnacke.....	458
John Funy.....	John Feeny.....	446
Simon Obecke.....	H. Overbeck.....	448
Jeremiah Mayna.....	Jeremiah Meany.....	450
John Cari.....	John Carroll.....	454
Thomas Roddy.....	Thomas Redda.....	453
August Springemyer.....	August Springelmeier.....	452
Henry Greitens.....	Henry Goertens.....	464
William Nail.....	William Noll.....	452
James Kilmartin.....	James Gilmartin.....	459
Edward Maloney.....	Edward Moloney.....	460
Edward George.....	Edward Joyce.....	448
Henry Brett.....	Henry Butt.....	462
B. H. Brinsmer.....	B. H. Bremmer.....	449
Nicholas Gragin.....	Nicholas Greagan.....	450
J. B. Herbis.....	F. B. Herbers.....	447
F. Lenkwitter.....	F. H. Dulkawith.....	448
H. Sissna.....	S. H. Susz.....	447
James Finn.....	James Flynn.....	491
Lawrence Manning.....	Lawrence Manahan.....	498

Thus all these are shown to be mere incidental discrepancies in spelling, with no substantial difference. There being among all the names charged to the contestant but a solitary one for which names unmistakable are not found duly registered, I now sum those clearly found against the sitting member, viz:

Precinct No. 25, 17 votes.

Precinct No. 26, 21 votes.

Precinct No. 27, 30 votes.

Precinct No. 28, 23 votes.

Making a total of 91 votes, which, if deducted from the sitting member, with the statement of the account in the report of the minority, will leave the contestant elected by a handsome majority.

On pages three to five, inclusive, the contestant presents a list of some 150 names, which he claims afford evidence that the voters' list made up by John Green and others for the 30th precinct, *and used there*, contained unregistered names, names not on the "certified list" of which they professed to give a copy but did not compare, except, as Mr. Green says, "by counting the names on each"—names which are not to be found on the original list of registered voters in evidence in this case. H. Mis. Doc. 37, p. 518.

Now, as the claim of fraud is involved in this case, and goes to the validity of this poll, it is proper to examine it with care.

The sitting member in his brief, pp. 11, 12, 13, furnishes what he claims to be true names for most of these. The contestant replied, and alleged that many of these names could not be thus substituted, because there was no analogy either in spelling or sound; and because many of the names so claimed to be properly substituted *had themselves voted in their own proper registered names*.

Here the pleadings closed and the committee took the case for examination. The majority present exhibits A and B as the results of their examinations, and draw therefrom conclusions which have already been commented on by the minority. In exhibit A there are 21 names voted for which the majority find no substitute, yet they do not admit any fraud, nor do they even purge the poll and deduct these admitted illegal votes from sitting member. Beside these not found, most of the names presented by contestant in his reply, as having themselves voted in their own names, are still continued as properly substituted, notwithstanding. Their names are:

Henry Schur, claimed to be Heinrich Seuer; but who votes in same name vote No. 922.

H. P. Krollman, claimed to be Henry R. Nollman; but he votes No. 794 as H. A. Bollman, the initial letter N being made a B.

J. H. Gerheide, claimed to be G. H. Waerhard or J. H. Woerheide, voted J. Waerheide, No. 29.

J. Upenlander, claimed to be C. L. Openlander or C. S. Appenlander; but votes No. 570 as J. L. Operlander, the name on certified list.

J. Hickmeier, claimed to be Johan Knickmeyer; but he votes No. 1073 as H. Knickmeyer.

L. Joulse, claimed to be Louis Tabler. This man votes No. 581 as Louis Tingler.

F. Burkoper, claimed to be Fred Barkhoefer. His vote is No. 711, as Fred Buckhoefer.

J. J. Rubleman, claimed to be John G. Rubleman; but his vote is No. 440 as J. S. Rubleman.

John H. Bodie, claimed to be John H. Budde. He, however, gives vote No. 414 as J. H. Brode.

August Staddingle, claimed to be Augustus Handinger; but this man's vote is No. 367 as N. Andecker.

H. Craring is claimed to be H. Kramme; but he gives vote No. 406 as A. Cramer.

J. H. Creamer, claimed to be F. H. Kreamer. If this is him, then his vote No. 92 in name of Henry Kreamer had been given before.

Fred Cornles, claimed to be Fredrick Conrad; but he gives vote No. 360 as Fred Conant.

W. J. Henry, claimed to be William T. Henry. There is given by this man vote 835 as Temporius Henry.

William Ehlert, claimed to be Henry Ehrler; but he votes No. 944 as Henry Eller.

Charles Straube, claimed to be Charles Straube. Possibly it is the same, as it is the only one of that name registered; but he having given vote No. 146, could not vote again. This shows the book was not marked "voted" at the time.

Thus 16 of these names are not to be substituted for those who voted without being registered. Will they be deducted?

Some of the names on brief of sitting member as substitutes, when shown by contestant to have been voted, have been left off of exhibit A, and other names quite as dissimilar are presented in lieu; and what is still more singular, the name — Withman, claimed in contestant's brief, page 12, as a proper substitute for the name Henry Wittman, when shown by contestant to have himself voted, is left off by the committee, who now substitute the name of Henry Witland or Henry Willand, as the proper one, but then charge in exhibit B, page 11, the very same A. Withman, formerly good as a substitute, as an illegal, because unregistered, vote for contestant. A. Withman, however, is registered. See below Exhibit B.

I cannot, even with these discrepancies, leave exhibit A, and thus tacitly admit that many of the substituted names are properly to be so recognized. Many of them may be passed over, although in doing this the legal maxim has to be very much stretched; but, surely, no lawyer will assume even proximate similarity in the following names from this exhibit:

Hy. Mullenhorse, to be Henrick Keillinghorst.

Anton Walker, to be Norton Worder.

Chris Wenhurst, to be Fritz Windhirst.

John Huckensiter, to be John Hergender.

Reichard Besserly, to be Richard Boeswetter.

* Frank Sumers, to be Frank Webster.

August Cutman, to be August Katlonder.

Fred. Ban, to be Fredrick Kohn, or Fredrick Drand. Which (?)

F. W. Oglemiller, to be Fredrick Obermeier.

William Richs, to be William Raree.

Henry Fice, to be Henry Piper, or Pierce.

H. Cartner, to be Hudson E. Caskener.

Gerhard Lacklieder, to be Gerhard F. Suchleben.

H. Rieper, to be Henry Ruppert, or Robert.

Henry Taake, to be Henry Frick.

Mathias Herman, to be Mathias Flomann, or Taman.

William Bolkenhosst, to be William Walkerhorst.

Rudolph Gaouseman, to be R. Hausman.

Henry Rollcutter, to be H. William Bullkvetter.

I have thus selected 19 names, which under no construction I think can be assumed to be the same as the names voted, and are, in my judgment, therefore properly charged as illegal votes, and should, with the others, be deducted in a purge of this poll. Many more I do not recognize as sufficient, but will submit them to the judgment of the House.

* This is claimed to be an error in transcribing, because it is alleged Sumers lives on Webster street; hence Frank Webster, duly registered, becomes Frank Sumers.

But these 56 votes must clearly be deducted as fraudulent. The contestant in his closing argument submitted some 50 or more other unregistered names, but they do not appear in the exhibits of the majority. Why is this? Do they intend to ignore them wholly? The contestant in charging fraud in the preparation of an illegal voting list, suggests names as voted not on the true list; why not account for these as well as the others?

I have only been able to get one page of this additional list, where I find the following 14 names as having voted, chiefly for sitting member, the other votes not entered for either, but as I cannot find them either entered on original registration, or on the "certified list," from which the copy used in voting purported to have been made, they are clearly fraudulent, and if the whole poll is not thrown out, which in my judgment should be, must at least, with those above, be deducted in purging the poll.

No. of vote.	Name as voted.	For whom counted.	Page.
778	John H. Nierman.....	Wm. A. Pile	547
797	Hamon Hanscutter	Number not found entered	
803	Christ Pectus	Wm. A. Pile	547
813	Fredk Berkemeyer.....	do	549
823	Wm. Swartze	do	549
829	John Beckham	do	549
863	Henry Barkhoefer	Number not entered	
857	John Crosby	Wm. A. Pile	548
869	Wm. Honeker.....	do	548
873	Fred Devine.....	Number not entered	
893	M. Ruland	Wm. A. Pile	547
1046	Christian Ring	do	547
1114	George Coney	Number not entered	
1176	Stephen Kleilli	Number not entered	

Thus there are nine of these votes counted for sitting member, which in one view should be deducted from him, but all go alike to show the presence of fraud in the preparation of the new list, and hence add to the reasons for throwing out the entire poll.

To furnish an illustration of the manner in which the majority of the committee substitutes one name for another I present the following from exhibit A.:

John G. Eskendorf is assumed to be J. G. Muskendorf.

John W. Elfenden is assumed to be John W. Evenden.

Chris Babbidick is assumed to be Christ Rubenick.

Frank Horstrider is assumed to be Frank H. Hohnstrohn.

William W. Woersheidt is assumed to be William W. Worstel.

E. W. Wieshammer is assumed to be G. W. Wieseann.

A. C. Stevens is assumed to be Augustus C. Stifel.

These are sufficient to show with what charity the majority willingly cover up great discrepancies on one side, while exacting the closest conformity to spelling on the other. While we are willing, however, that they shall have their own way in the admission of such substitutes, we cannot so readily concur in passing over as true votes for the sitting member those challenged as unregistered, yet for which the sitting member substitutes no name, or substitutes names of parties who have voted themselves in their own name and thus are conclusively shown, either not to be the parties named, or else, being such, were allowed to vote twice.

The majority of the committee in Exhibit B presents a list, "for which no similar names can be found on the registry of precinct No. 30." I proceed to examine these:

<i>Name as given in exhibit.</i>	<i>Name as registered.</i>	<i>Page.</i>
Patrick Cockman	Patrick Comfort	525
Chas. Sluder	Carl Schluter	519
Jacob Bromser	Jacob J. Broemser	531
John Moniken	John Moenekes	522
Casper Troun	Casper Thre; certified list, Casper Thee.	521
E. Fitzmoris	E. Fitz Morris	523
Samuel Hardeman	Samuel Hartman	527
H'y Sluder	Heinrik Schluter	531
William Feeley	William Fuly	521
Stephen Pepper	Stephen Pfefferly	519
Bernard Mersman	Bernard Musman	521
John W. Winn	J. M. Winn	521
George Hitchman	George N. Hinchman	530
John F. Cassman	John W. Casburn	519
E. K. Fassett	A. K. Fasset	523
W. H. Uhlman	Chas. W. Uhlman	523
John Pieto	John Pietwh	519
J. F. Taylor	J. F. Tenzler; certified list, J. F. Taylor	523
Wm. Weaver	William Weaver	531
M. B. Taupkins	M. B. Tompkins	523
Stephen Quanto	Stephen Quante	531
Bernard Gerefermill	Bernard W. Gevermable	520
J. L. Rice	John A. S. Rice	531
A. Withman	— Withman; certified, A. Withman	519
Murvin Cooper	Marvin Hooper	527
C. Woffin	H. C. Warriner; cert'd list, H. C. Warin.	521
N. Andecker	A. Handinger	520
Michael Menon	Michael Menaugh; certified list, Michael Nenaugh	519
Andrew J. Roershaw	Andrew J. Kershaw	531
G. Gra	Gust Graup	528
F. Nichemm	Fred Nutemeier	532
Henry Neiyer	H. Wilhelm Mirer	521
Simon Vodecker	S. Bodeker	528
A. R. Jude	R. L. Juques	521
John Stithe	A. J. Stalse	528
Thomas Deuring	Tom H. Drehmas	525
J. H. Robgun	J. H. Roben; certified list, G. H. Ruben.	521
P. S. Ovendale	P. S. Ownby	526
L. L. Ashbrook	L. Ashbrook	533
Frank Coalmeyer	C. Conmeyer; cert'd list, Charles Couger	526
Louis Tingler	Lewis Tanler; certified, Lewis Tahler	523
W. H. Maurie	W. H. Marian	530
James Miller	James Miller	533
Henry Luntan	Henry Lunte	521
Thomas Rigway	Thomas Reque; cert'd, Thomas Reganr	525
Charles Gemp	Charles Kamp	531
William Wettage	Wilhelm Withers	530
Daniel Flint	Dan Flynn	526
J. M. Bixler	Jacob M. Bixlin	525
R. P. Cohen	R. Piere Cohn	523
John Boergelt	John Borgett	521
Wm. L. Carr	Wm. L. Carr	533
Mark Maliney	Mark Mulluney	521
W. Linstrope	William Linstroth	531
Patrick Hurley	Patrick A. Hearn	532
George Coloman	George Causland	532
Charles Kenaugh	T. Cavanaugh	532
Kirk Dennis	Dennis Kirk	527
Jasper Herman	Herman Jasper	527
John Taulberg	John Tanksberry	526
Anter Ilkman	B. A. Hickman	525
Clemens Gotwinkle	Gottfried Cordez	529
Henry Buschamper probably intended for—	H. Buslekemper	531
D. R. Griffin	Otis R. Griffin	525
W. Lucking	William Lewing	524
Fred'k Dingsmeyer	Fred. Dousmeyer	531
James Hurley	James Hukey	532

Thus all this list furnished by the majority as fraudulent, because unregistered voters for the contestant are found to be duly registered, save one or two, and it is remarkable how slight, even in the worst cases, the variations are; indeed, they strikingly contrast with the forced similarity of names presented as true and satisfactory in the interest of the sitting member.

I am not disposed to recognize the four last names on exhibit A, as duly registered, simply because the numbers are counted for both candidates, for it is evident from the examination given that some numbers are entirely omitted, and many others counted twice, and thus numbers may have been counted for both, yet the party voting that number may not be entitled to vote. I deal with the fact that a list not certified to, was used at that precinct; that said list was got up in the interest of, and by the partisans of the sitting member, and that if persons voted without being registered, no matter for whom they voted, the evidence of the fraud vitiated the election in that precinct, and hence the poll should be thrown out.

It is due to myself to state, that I have been wholly confined in my examinations to the names as furnished in the brief of the contestant and that of the sitting member, except as to the 30th precinct, where alone I have been able to refer to the lists or exhibits of the majority.

One hundred and twenty-nine duly registered voters have personally sworn that they were registered; that they attended the election; that, after hours of delay and trouble, they gave their ballots for the contestant, but their votes were not received because the judges said they could not find the names, although they are on the list and the contestant shows where each is registered; yet the majority do not count these votes for contestant, but they do count for contestee votes of non-registered voters, admitted fraudulently by partisan judges.

The statement of results which closes the report of minority, page 16, with the addition of the fraudulent votes detailed in this separate report, are, in my opinion, correct. I will, however, make this account:

On the assumption that the House, following the majority report, shall not refuse the illegal vote of 37th precinct and the equally illegal night vote at 26th precinct, and that the declared majority for sitting member is allowed to be	218
I then assume that the fraudulent votes shown by this statement to have been polled for sitting member at precincts 25, 26, 27, and 28 shall be deducted, amounting to.....	91
Also those at precinct No. 30, being.....	65
	156
Leaving him a total of.....	62
And I assume that the votes <i>at least</i> of those legally registered, but illegally refused to be counted for contestant—being all proved and registry shown—be now counted for him amounting to.....	129
Thus leaving majority for contestant.....	67

There should in fairness be added the 25 votes, which the majority do not reject, whose votes for contestant were rejected by registrars from improper motives.

OSAGE INDIAN TREATY.

JUNE 18, 1868.—Ordered to be printed with documents.

Mr. SIDNEY CLARKE, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom were referred the message of the President of the United States and accompanying documents, relating to a treaty lately made by the United States with the Great and Little Osage Indians, report as follows :

It appears from information before the committee that the treaty was prepared in Washington before the session of the council with the Osages, and that its terms were agreed upon by various parties in interest before submission to the Indians. The treaty, in substance, relinquishes by the said Osage Indians an exceedingly valuable tract of land lying in southern Kansas, amounting to 8,000,000 of acres. It does not provide for the retrocession of the said lands to the United States, but transfers the same to a railway company known as the Leavenworth, Lawrence and Galveston Railroad Company, at a price per acre of about nineteen cents. It transfers said lands upon said terms, with the condition that said company shall pay to the Secretary of the Interior, within three months from the date of the ratification of the said treaty by the Senate of the United States, one hundred thousand dollars, to the use, and for the benefit of the said Osage Indians.

The balance of the sixteen hundred thousand dollars, the price of said lands, is made payable in annual instalments of one hundred thousand dollars per annum, together with interest at five per centum per annum, secured only by the bond of the railroad company, and not even made a mortgage on the road.

No provision is made in this treaty for the protection of the settlers upon that portion of the ceded lands known as the Diminished Reserve, of whom it appears there is a large number, but they are left wholly to be dealt with according to the mercy or cupidity of the parties controlling said railway. Of those settlers upon another portion of the lands ceded, known as the Osage Trust Lands, comprising about three millions two hundred thousand acres, such as occupied a "square quarter section" at the time of the date of the treaty are allowed one hundred and sixty acres, including their improvements, at the government price. Inasmuch as these lands were only recently surveyed, it follows, upon the testimony of reliable witnesses, that nearly all of these settlers will be excluded from the benefits of the proviso because very few have located upon "square quarter sections" as surveyed.

It is also in evidence that other propositions more favorable to the Indians, the settlers and the United States, were submitted to the commissioners, but were withheld from the Indians by them and refused consideration. The following propositions were submitted to the commissioners by the Missouri, Fort Scott, and Santa Fé Railroad Company :

First. A purchase of all their lands for said road at \$2,000,000—\$100,000 to be paid in ninety days from the ratification of the treaty by the Senate of the United States, and the

other payments at the rate of \$100,000 per year until the whole purchase money is paid, the whole to bear interest at the rate of five per cent. per annum from the ratification and promulgation of the treaty till paid.

Second. One hundred and sixty acres of land secured, free of cost, to every half-breed Osage, male and female, over twenty-one years of age, who may desire to remain on said lands and become a citizen of the United States.

Third. One hundred and sixty acres secured to such settlers who may be on any portion of said lands at the date of said treaty, at \$1 25 per acre, being government price therefor.

Fourth. Every sixteenth section of said lands to be donated to the State of Kansas for the endowment of her public schools.

Fifth. The interest of said purchase money to be paid semi-annually, and disposed of in the treaty in a manner satisfactory to the Indians, and so as to promote their best interests.

Sixth. Patents to issue to said company for said lands only in proportion to the amount actually paid.

Seventh. Said principal and interest to be paid by said railroad company to the Secretary of the Interior, and the interest disbursed to the Indians by him, through the Commissioner of Indian Affairs.

This proposal was accompanied by the tender of a reasonable guarantee for the fulfilment, by the said company, of their part of the proposed compact, and was peremptorily dismissed by the commission. It will be seen that their refusal to submit these or any other propositions to the Indians indicates a singular bias in favor of the parties who, by the terms of this treaty, obtain these lands at nearly half a million dollars less than the sum offered in the above proposal.

It also appears that the State of Kansas is entitled, by the terms of the act admitting that State into the Union, to the sixteenth and thirty-sixth sections in each township of surveyed public lands, to accrue to the permanent school fund of that State; that in lieu of said sections the State is guaranteed an equivalent therefor; that a large portion of the State has been taken out of the operation of this beneficial provision for schools by the numerous Indian reservations therein; that in the disposition heretofore made of these reservations no equivalent has been granted the State for the said sections; that at the session of the said Osage council, while deliberating upon the terms of this treaty, the State superintendent of public instruction for Kansas applied to the said commissioners to obtain some provision among the various terms of the pending treaty for the school fund of the State, representing that the lands proposed to be granted the Leavenworth, Lawrence and Galveston Railroad Company comprised fully one-sixth of the whole State, and should contribute their equal share to the permanent school fund, in accordance with the plan upon which public lands in Kansas were disposed of by the act of admission. It appears that he was refused in this reasonable prayer.

It further appears that the said Leavenworth, Lawrence and Galveston Railroad Company, according to their survey, do not contemplate constructing their road upon or across these lands; that the said lands are amply sufficient in value to richly endow two or three roads if justly appropriated and disposed of; that upwards of one-half thereof are rich and valuable lands, and such as would readily sell to actual settlers at or more than one dollar and twenty-five cents per acre.

There are also charges before your committee that the Osages were improperly influenced to consent to the signing of said treaty; that they were very reluctant to execute it, and that at no time, before or since its execution, were they satisfied to sell their lands at such a price or upon such securities.

It appears to your committee that the system of bartering immense tracts of Indian lands to railway companies or private parties, without protection to the settlers, and by methods calculated to bar the advance of civilization, or in any way except by absolute cession to the United States, is too unreasonable to merit serious thought; and if such lands are to be made available for works of public improvement, they should so be disposed of as to give full protection to present and prospective settlers, and should accrue to the use and benefit of all the roads that they will reasonably endow.

Your committee, therefore, conclude that said treaty is in violation of the rights of the settlers and of justice to the Indians; that it is unjust to the taxpayers of Kansas, because it places in the power of a corporation the means to prevent the speedy settlement of about one-sixth of the State; that it is unjust to the State of Kansas, in that it ignores the school interests as guarded by the act of admission, and operates injuriously upon the prospective growth and settlement thereof; that it is unjust to the nation, because the lands granted are sufficient to endow various roads, and are ample to secure the building of the whole line from Fort Leavenworth to Galveston bay; that it is destructive of the railroad system of Missouri and Kansas, and, while of no benefit or advantage to the government, it accomplishes no result except to extravagantly enrich the persons controlling the company in whose interest it was executed.

Appended to this report are respectfully submitted a protest of the governor, secretary of state, auditor of state, State treasurer, attorney general, and superintendent of public instruction of the State of Kansas, marked A. Also the affidavit of Z. R. Overman, a representative of the settlers upon the lands sold, marked B; affidavit of Solomon Markham, also representing the settlers, marked C; affidavit of General Charles W. Blair, marked D; affidavit of George H. Hoyt, marked E, together with a copy of the provisions of said treaty.

The committee recommend the adoption of the following resolutions, and that copies of the same be furnished for the information of the Senate.

SIDNEY CLARKE.
R. T. VAN HORN.
JOHN P. C. SHANKS.
JOHN TAFFE.
G. W. SCOFIELD.
W. MUNGEN.

Resolved, as the sense of the House of Representatives, That the treaty concluded on the 27th day of May, 1868, with the Great and Little Osage tribe of Indians, both in its express terms and stipulations, and in the means employed to procure their acceptance by the Indians, is an outrage upon their rights; that in transferring to a single railroad corporation 8,000,000 acres of land, it not only disregards the rights and interests of other railroad corporations in the State of Kansas, and builds up a frightful land monopoly in defiance of the just rights of the settlers and of the people of the United States, but it assumes the authority repeatedly denied by this house to dispose of these lands by treaty otherwise than by absolute cession to the United States, and for purposes for which Congress alone is competent to provide.

Resolved, as the sense of this house, That the objects, terms, and conditions, and stipulations of the aforesaid pretended treaty are not within the treaty-making power, nor are they authorized either by the Constitution or laws of the United States; and therefore this house does hereby solemnly condemn the same, and does also earnestly, but respectfully, express the hope and expectation that the Senate will not ratify the said pretended treaty.

Resolved, That a copy of the foregoing resolutions be transmitted to the Senate of the United States.

A.

EXECUTIVE DEPARTMENT,
Topeka, Kansas, June 9, 1868.

To the Senate of the United States:

The undersigned, executive officers of the State of Kansas, most respectfully memorialize your honorable body against the ratification of the treaty recently concluded with the Osage Indians, whereby they agree to cede the lands now held by them in this State to the Leavenworth, Lawrence, and Galveston Railroad Company, on the following grounds, to wit:

1. That the Osages were induced to conclude the treaty by threats and false representations, whereby they were made to believe that it was the design of

the State authorities to make war upon them, and either kill them or drive them from their reservation.

2. That the price agreed to be paid is grossly inadequate to the value of the lands; that a much larger price was offered; that the payments are extended over a long series of years; and that the final consummation of the treaty would be a flagrant robbery of the Indians.

3. That no provision is made in the treaty for the benefit of schools, or in the interest of the settlers who have gone upon the lands and made improvements; but that both these interests are remitted to the tender mercies of speculators and monopolists.

4. That the lands thus ceded comprise nearly one-fifth of the area of the entire State, the whole of which will be withheld from settlement and development, except upon such terms as the monopolists may dictate.

5. That the success of this fraud will tend to retard immigration, thus militating against the best interests of the State, as well as of the country at large.

6. That the persons who will derive the chief benefits of this treaty are strangers to the State, and in nowise identified with its interests.

7. That they believe the whole system of permitting or encouraging the Indians to cede to private corporations is pernicious; that, in extinguishing Indian titles, the government should become the purchaser, permitting the settlers to procure titles at the *minimum* rate, withdrawing from sale when the aggregate of the purchase money shall have been realized, and then allowing the pre-emption and homestead laws to operate, as in other cases.

For these, and other reasons which might be enumerated, the undersigned respectfully request the Senate to negative the treaty recently concluded with the Osages, and which has been or will be submitted for their consideration.

S. J. CRAWFORD, *Governor*.

R. A. BARKER, *Sec. of State*.

J. R. SWALLOW, *Auditor of State*.

M. ANDERSON, *State Treasurer*.

GEO. H. HOYT, *Attorney General*.

P. McVICAR, *Sup't Pub. Ins.*

The foregoing is a true copy, furnished at the request of Hon. Sidney Clarke.

B.

Affidavit of Z. R. Overman.

DISTRICT OF COLUMBIA, ss :

Z. R. Overman, of lawful age, first being duly sworn, deposes and says he is a citizen of the State of Kansas, and resides upon a portion of the lands known as the Diminished Reserve of the Great and Little Osages; that he was selected by the settlers upon the said reserve, and by the settlers upon the lands known as the Osage Trust Lands, to attend a council thereafter to be held between the representatives of the several bands of the Great and Little Osage Indians and certain commissioners of the United States, for the purpose of effectuating a treaty between the said Indians and the United States; that the said council was held in the month of May last, and a treaty was signed by the chiefs and headmen of the said tribe and the commissioners of the United States, on or about the twenty-seventh day of May last; that prior to and at the signing of said treaty, affiant was in attendance upon the sessions of the said council; that he is personally well acquainted with the chiefs, headmen, and braves of the said bands; that the commissioners of the United States pro-

duced at said council a draught of a treaty, already prepared, being the same treaty, in form and substance, afterwards executed by the parties respectively, and which is now pending the action of the Senate of the United States.

Affiant further deposes and says that it was evident from the bearing of the said commissioners, and from their proceedings at the said council, that they intended to make the said treaty exclusively for the benefit and in the interest of the Leavenworth, Lawrence, and Galveston railroad, represented by one William Sturges, of Chicago, and disregarding the rights of the settlers, the rights of the Indians, of other railroads, and the State of Kansas; that the said commissioners claimed that the said treaty was agreed upon in Washington before the session of the council, and could only pass and be ratified by the Senate of the United States as drawn and presented.

Affiant further says that the said Indians did not want to sell their lands; did not want to sell to the railroad company, but to the government of the United States, if forced to part with them, or, otherwise, to parties making the best and highest bid for the lands; that the sessions of the council were secret, and white men were excluded therefrom, unless attached or belonging to the party of the said commissioners; that the Indians wanted certain white men for counsel present at the conferences, but were refused, unless they would take such counsel as were assigned them by the commissioners; that Professor P. McVickar, superintendent of public instruction for the State of Kansas, applied to the said commissioners to have certain lands in each township set apart to the permanent school fund of the State, as guaranteed to the State of Kansas in the act of admission, and the said commissioners wholly refused to allow said lands, or any equivalent therefor, to be so devoted to the State.

And affiant further says that the Indians of the said tribe of Great and Little Osages complain that they were forced to sign the said treaty by threats that the United States would withdraw its protection from them, and that their presents, gifts, or annuities would be withheld from them, and by divers other intimidations and influences; and that if they had not so been influenced, they would not have signed the said treaty, and are still and remain greatly dissatisfied; that there is a large population of white settlers upon both the Diminished Reserve and the Trust Lands of the said Osages; that these settlers entered upon the said lands with the full knowledge and voluntary consent in writing of the chiefs and headmen of the said Indians; that there has been no survey of the Diminished Reserve, and that the Trust Lands have only been recently surveyed; that very few of the settlers upon the Trust Lands are located "on a square quarter section," as surveyed, and consequently get one hundred and sixty acres, including their improvements, at government price; that no protection was promised or guaranteed in any form to the balance of the settlers upon either the Trust Lands or the Diminished Reserve; that fully half of the eight million acres included in the said lands bartered by the terms of the said treaty to the Leavenworth, Lawrence, and Galveston railroad, controlled by the said William Sturges, are first-class and very valuable lands, fully equal to the best lands in Kansas; that the settlers thereupon are willing to pay one dollar and twenty-five cents per acre for the said lands; that affiant fully believes, from the number of settlers already locating upon said lands, that four million acres could be disposed of by the government of the United States within four years from the date hereof.

Z. R. OVERMAN.

Subscribed and sworn to before me, this the 16th day of June, 1868.

E. M. CHAPIN, J. P.

C.

Affidavit of Solomon Markham.

DISTRICT OF COLUMBIA, ss :

Solomon Markham, of lawful age, being duly sworn, deposes and says that he is a citizen of Kansas, and resides near the Catholic Mission, so-called, in Neosho county, Kansas, and upon lands lately belonging to the reservation of the Great and Little Osage Indians ; that he was sent by the settlers upon the Osage lands to the city of Washington, to secure through the Congress of the United States a sale of such lands transferred or receded to the United States or other parties by the said Osages to the settlers upon said lands on just and reasonable terms ; that the late treaty executed on Drum creek, in Osage county, by certain commissioners of the United States, with the said Osage Indians, is a fraud upon the people of Kansas and the whole country ; that the said treaty works deep injustice to a large number of worthy and industrious people who have located their homes and families upon the said lands, for the following among other reasons, viz : because the said settlers are left to the mercy of the parties controlling the Leavenworth, Lawrence and Galveston Railroad Company for the location, amount, and price of their lands ; that no guarantees are given them that any railway will be constructed through or upon said lands or any portion thereof ; that the Osages had agreed and were willing to sell their lands to the government, so that the government might dispose of them to actual settlers upon terms just and reasonable ; that no part of said lands were set apart to the permanent school fund of the State, in accordance with the plan upon which Kansas was admitted. And affiant says, that more than one-half of the 8,000,000 acres, bartered away by the terms of this treaty to the railroad owned or controlled by Mr. Wm. Sturges, of Chicago, are valuable lands, equal to any in the United States, and ought not to be put in title and possession of any man ; that within four years, if thrown open to actual settlement, every acre would be disposed of easily at the price of \$1 25 ; that the proceeds of the lands upon any just and reasonable method would build three railways, instead of one, as proposed in this treaty ; that affiant is informed and believes that the sale of these lands, ostensibly to the Leavenworth, Lawrence and Galveston railroad, is, in fact, a sale to Wm. Sturges, of Chicago, who controls the said company, and who is endeavoring to obtain said lands for the purpose of a vast speculation ; and that the said treaty was executed in fraud of the settlers, the Indians, the people of Kansas and the whole country, and various other railway companies, who offered more for the lands than did the said Sturges & Co.

SOLOMON MARKHAM.

Subscribed and sworn to before me this, the 16th day of June, 1868.

E. M. CHAPIN, J. P.

Statement relative to the Osage treaty.

A treaty was concluded on Drum creek, in the Osage nation, about the 27th of May last, between the chiefs and braves of the Osage Indians and Hon. N. G. Taylor, Commissioner of Indian Affairs, Hon. Thomas Murphy, superintendent of the central superintendency, Colonel A. G. Boone, and Major — Snow, agent of the Osages, representing the government, with Judge Blackledge as secretary of the commission.

This treaty conveys the whole of the Osage lands, comprising 8,000,000

acres, (being 50 by 250 miles,) to the Leavenworth, Lawrence, and Galveston Railroad Company, for \$1,600,000, payable as follows : \$100,000 in cash within three months from the ratification of the treaty, and the remaining \$1,500,000 in the bonds of the company, payable \$100,000 each year for fifteen years, and bearing interest at the rate of five per cent. per annum. It is really a treaty by and between the Osage Indians and the railroad company, to which the government becomes a party by permitting it to be done in the interest of the company, and without protecting the rights of the Indians by providing any security for the payment of the money other than the bonds of said company. These bonds are really the only security the Indians have. It is true that the treaty provides that patents shall be issued only in proportion to the amount paid ; but the railroad company does not wish patents to issue until they are ready to sell, which *will* not be until the road is completed to a point opposite to said lands, and may not be for the next ten years. In the mean time the Indians will hold the bonds, but be utterly destitute of money—their lands sold, but they without means to purchase others in their stead.

It is scarcely to be expected that the Cherokees or Creeks will sell them lands for these bonds, or that the government will purchase and pay for lands for them, taking these railroad bonds as security for repayment. If the interests of the Indians are to be consulted, the representatives of the government should have provided some tangible security for the payment of the money as it became due, either by the indorsement of the government or otherwise ; and they should have permitted the sale to be made to the company offering the highest price for the lands, other considerations being equal. The subjoined correspondence will show that the commissioners were determined the treaty should be made in the interest of the Leavenworth, Lawrence, and Galveston Railroad Company, and on the terms proposed by its representatives, or not made at all.

These lands comprise nearly one-fifth of the whole State of Kansas, and are the last body of lands out of which railroads can be endowed. There are enough to endow three roads reasonably well ; and if they are to be disposed of for the benefit of railroads, the interests of the railroad system of the State should be taken into consideration, and the roads of southern Kansas, in which the lands lie, should have their fair proportion. Especially should the Missouri, Fort Scott, and Santa Fé railroad be endowed, as it has its initial point at Sedalia, on the Missouri Pacific, and runs southwesterly, via Fort Scott and Osage mission, through the whole length of these lands, (250 miles,) in the direction of Santa Fé. This road has no grant or endowment of public lands, whilst the Lawrence and Galveston road already has 800,000 acres along its line in the State of Kansas, donated to it by the liberality of Congress ; and its surveyed line does not run within twenty miles of the lands ceded to it by the recent treaty.

The treaty makes no provision for the half-breed Osages who may desire to remain on said lands and become citizens of the United States. It makes no increase in the State endowment of schools, and makes but insufficient and incomplete provision for the hardy pioneers who are the outposts and the advance guard of the civilization rapidly moving to the west.

The trust lands (so called because ceded in trust by a former treaty) are embraced in this treaty, the former one, so far as it applies to them, being abrogated by the new arrangement. They comprise a tract of twenty miles, north and south, running the whole length of the tract ; and the treaty provides that settlers on these lands, at the date of the treaty, may have 160 acres, including their improvements, at government price, *on a square quarter section*. As the survey is just completed, and as nearly all the settlement there was made prior to said survey, it follows that few have their improvements on a square quarter ; and as they are not permitted to cross section or quarter

section lines to fill out their 160 acres, but few will derive any benefit from the provision. Indeed, it seems expressly made with a view to cut off as many of the settlers as possible, under the color and show of apparent fairness.

No provision whatever is made for the settlers on the remaining portion of said land—being 30 by 250 miles in extent—but they are left wholly to the tender mercies of the railroad company.

It is proper to add, in this connection, that the directors of the Missouri, Fort Scott, and Santa Fé Railroad Company, besides the protection they offered to the settler, were, and are willing, if their company receive all or any portion of these lands, that an express provision may be incorporated into the treaty to the effect that the price of government lands shall be the price of these lands; that is to say, \$2 50 per acre within ten miles of their road on either side, and \$1 25 per acre beyond, the settler to take his lands upon such showing of occupation and improvement as would entitle him to the benefit of the pre-emption act of September 4, 1841, and its amendments. Justice to the settler imperatively demands that this provision should be made in the treaty, let the lands be disposed of otherwise as they may.

It may be further stated that the Indians knew they had been offered a higher price for their lands than this treaty provides; that this higher price was offered them by men whom they knew and in whom they had confidence, with some of whom they had had dealings for 25 years, and they were naturally anxious to sell to the best advantage and to men whom they thought they could trust; but they claim that the commissioners informed them that the government would not permit them to sell to any company except the Leavenworth, Lawrence, and Galveston Company. The truth of this is corroborated by the fact that the commissioners, all of them, without exception, stated repeatedly to white men, in reply to urgent entreaties to divide the lands among two or three roads, that no treaty could or would be ratified by the Senate unless the whole of the lands were given to this one company.

It was publicly represented, too, by those who assumed to speak by the authority of the commissioners that this treaty was drawn up and agreed upon in Washington before the commission went out; that it was drawn with the approval of leading members of the administration and leading members of the Senate of both political parties; that the combination, or "ring," was too powerful to be withstood, and that the treaty would have to be made and confirmed as originally drawn.

The chiefs repeatedly asked permission to have certain white men, in whom they had confidence, as their counsel, present at their conference with the commissioners, to advise and counsel with them; but the commissioners refused, unless they would take such counsel as they (the commissioners) chose to provide, which they were not willing to do.

It is certain that for over two weeks the Indians refused to sign the treaty, no one apparently being in favor of it; and that all at once, apparently without any sufficient cause, they all signed it. They claim that they were forced to do it by threats and intimidation on the one part, and fair promises on the other, in case of compliance.

It is more than probable that these threats were made by outside parties in the interest of the railroad company, and not countenanced by the commissioners; but there was so much apparent identity of interest between them that it was difficult for even an observant white man to tell who represented the government and who the railroad company, and it is, therefore, not at all wonderful that the Indian failed to detect the difference between them. Certain it is that one commissioner at least publicly stated to the Indians that their annuity goods, due them by the provisions of a former treaty, would not be delivered to them till they signed this treaty; and that seemingly, in pursuance of this threat, said goods were reloaded into the wagons which had brought

them to the council grounds ; and it is equally certain that said goods were not distributed until after the treaty had been signed.

The Indians claim that they were threatened with the displeasure of the government if they refused to sign ; that they were told that the government would not protect them against the Arapahoes unless they made the treaty ; and Commissioner Boone *did* state in public council that if the Osages would sign this treaty, they (the commissioners) would go out on the plains and conclude a peace between the Osages and Arapahoes.

The Indians represent that they were told that unless they signed this treaty they would get no presents—no annuity goods ; that the government would not pay them for the land already purchased of them, and that the governor of Kansas would turn the militia of the State out against them, and they would kill and drive them off their lands, taking them without any payment whatsoever ; and, when they fled to the plains, they would be decimated by the Arapahoes, and between the two enemies they would gradually be extinguished.

It is not claimed that these threats were made or countenanced in any way by the commissioners—honorable men would stoop to no such miserable subterfuges ; but it is susceptible of proof that such threats, and probably worse ones, were made to the Indians by white men who were in daily association with the commission, and who professed to speak by their authority.

It is known to the writer of this statement that outside parties stated that the commissioners had resolved to remove the representatives of the Missouri, Fort Scott, and Santa Fé Railroad Company by military force from the Osage reserve, on the pretext of interfering with the treaty ; and that this was communicated to the friends of that road with a view of inducing them to intermit their efforts to get from the commission a fair proportion of these lands ; but the friends of that road had too high a respect for the commission to believe that they had ever authorized such threats, and therefore gave no credence to them.

Attention is invited to the correspondence copied below.

CHAS. W. BLAIR,

President Missouri, Fort Scott, and Santa Fé Railroad Co.

No. 1.

OSAGE NATION, *May* 18, 1868.

SIR : I have the honor to propose to you, and through you to the commission appointed to treat with the Osage Indians for their trust lands and diminished reserve ; that the lands comprised therein be acquired by the United States government and offered for sale, in a body, to the highest bidder, thus leaving it open to the competition of all companies who desire to purchase the same, hereby pledging myself that the railroad company I represent will offer for the whole of said lands *at least* the sum of \$2,000,000, giving any guarantee of payment that the government may require, which sum is one-half million dollars more than that proposed to be paid by the Leavenworth, Lawrence, and Galveston Railroad Company.

Should it be against the policy of the government to purchase lands except under condition of immediate transfer to parties or companies who can make the required payments, we respectfully request your commission to create the trust in the treaty for the benefit of our company, we to pay therefor the sum of \$2,000,000. I would also state that our railroad company is properly incorporated, traverses the whole length of these lands from east to west, and is in the hands of men of capital and influence.

We propose also to accept all the terms and conditions of the treaty as already

drawn and prepared by the commission, and, in addition, to secure the rights of the half-breeds, protect the settlers, and make liberal donations for school purposes, changing the treaty only by substituting the name of the Missouri, Fort Scott, and Santa Fé Railroad Company, for that of the Leavenworth, Lawrence, and Galveston Railroad Company, for which change we offer more than a half million of dollars in addition to the amount proposed by Mr. Sturgis.

Our company is composed of and supported by men of large capital and influence, (the governor of the State being one of the directors,) who are abundantly able to give all the guarantees required by the treaty, or which may be imposed by the government—such guarantees to be given prior to the submission of the treaty to the Senate for ratification.

I also make this proposition: For the purpose of harmonizing conflicting interests, and advancing the interest of the north and south, as well as the east and west national thoroughfare, I am content that the treaty may include both roads, giving the Leavenworth, Lawrence, and Galveston Company *two-thirds* of said lands, and securing to the Missouri, Fort Scott, and Santa Fé Railroad Company *one-third* of the same, being equal in proportionate value, and divided by blocks of sections from north to south, two blocks to their road and one to ours, alternately, through the whole length of said lands, east to west, we to take ours by express stipulations in the treaty to our road by name, and on the same terms and conditions of payment and otherwise as are imposed on the other company.

All these propositions seem to me fair and just, and the acceptance of any one of them will secure the cordial co-operation of myself and friends, in favor of the speedy completion of the treaty, by the exertion of all the influence we can command in its behalf.

I am, colonel, very respectfully, your obedient servant,

CHAS. W. BLAIR,

President Missouri, Fort Scott, and Santa Fé Railroad Co.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

P. S.—I would respectfully request that this proposition be filed and preserved with the papers of the commission for further reference.

C. W. B.

No. 2.

OSAGE NATION, May 20, 1868.

SIR: As it is anticipated or feared that representations may or have been made to your commission that the Missouri, Fort Scott, and Santa Fé Railroad Company is irresponsible or unable to furnish to the government the proper guarantees of payment, in case they acquire any or all of these lands by treaty, I have the honor to propose to you, as security for such guarantees as may be required, the bond of S. A. Williams, B. P. McDonald, and C. F. Drake, who are worth over \$100,000; or I am willing to give you here, on the ground, as collateral security for such guarantees, the draft of the banking-house of A. McDonald & Bro., on New York, for the sum of \$50,000.

This security is offered as a pledge of our entire good faith, as well as our ability to comply with any condition of payment which may be imposed on our company in case said lands are granted to it.

Very respectfully, your obedient servant,

CHAS. W. BLAIR,

President Missouri, Fort Scott, and Santa Fé Railroad Co.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

*Reply to Nos. 1 and 2.*OSAGE COUNCIL GROUND, OSAGE NATION, *May 20, 1868.*

SIR: Your communication of the 18th instant, addressed to me as Commissioner of Indian Affairs, making various propositions in reference to the purchase of the Osage lands, was received and laid before the commission.

I was instructed by the commission to reply that, for various reasons, satisfactory to it, neither of your propositions is accepted.

With sentiments of high personal respect, I have the honor to remain your obedient servant,

N. G. TAYLOR,
President Osage Commission.

Gen. C. W. BLAIR,
President Fort Scott and Santa Fé Railroad Co.

No. 3.OSAGE NATION, *May 25, 1868.*

SIR: As you stated, in your public council with the Indians, that all future consultations between the commissioners and Indians *were to be private, from which all others were to be excluded*, and thus other parties can only reach the Indians through you, I have the honor to request permission to call them together in council with the representatives of the Missouri, Fort Scott, and Santa Fé Railroad Company, with a view of submitting to their consideration a treaty with said company on the following basis:

First. A purchase of all their lands for said road at \$2,000,000—\$100,000 to be paid in ninety days from the ratification of the treaty by the Senate of the United States, and the other payments at the rate of \$100,000 per year until the whole purchase money is paid, the whole to bear interest at the rate of five per cent. per annum from the ratification and promulgation of the treaty till paid.

Second. One hundred and sixty acres of land secured, free of cost, to every half-breed Osage, male and female, over twenty-one years of age, who may desire to remain on said lands and become a citizen of the United States.

Third. One hundred and sixty acres secured to such settlers who may be on any portion of said lands at the date of said treaty, at \$1 25 per acre, being government price therefor.

Fourth. Every sixteenth section of said lands to be donated to the State of Kansas, for the endowment of her public schools.

Fifth. The interest of said purchase money to be paid semi-annually, and disposed of in the treaty in a manner satisfactory to the Indians, and so as to promote their best interests.

Sixth. Patents to issue to said company for said lands only in proportion to the amount actually paid.

Seventh. Said principal and interest to be paid by said railroad company to the Secretary of the Interior, and the interest disbursed to the Indians by him, through the Commissioner of Indian Affairs.

As this council has now been in session about two weeks, and the Indians have thus far declined to treat, although *all other propositions have been withheld from them, except that of the Leavenworth, Lawrence and Galveston Railroad Company*, it is now but fair that they should have an opportunity of considering another proposition which gives them a larger sum of money for their lands, protects the settlers on the same, secures a home to the half-breeds,

enlarges the State endowment for school purposes, and which is quite as fair to the government as the proposition so long considered and rejected.

If the responsibility of the company is doubted, I again offer, as before, as a guarantee of good faith and pecuniary ability, the bond of men worth \$100,000, or the draft of a responsible banking house on New York for \$50,000, to be forfeited in case the company fail to comply with the requirements of the treaty.

I have also the honor to request that this proposition be filed with the papers of the commission for further reference.

Very respectfully, your obedient servant,

CHAS. W. BLAIR,

President Missouri, Fort Scott and Santa Fé Railroad Company.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

Reply to No. 3.

OSAGE COUNCIL GROUND, OSAGE NATION, *May 26, 1868.*

SIR: Your communication addressed to me, of yesterday's date, was handed to me half an hour since by Colonel Wilson.

I have the honor, in reply, to inform you that, having immediately on its receipt submitted your letter to the commission, it instructed me, unanimously, to respond that this commission, having been appointed and commissioned by the President to treat with the Osage Indians, has no power to transfer that authority to others, nor any disposition to do so. We have pleasure in adding that present indications are entirely favorable to a successful termination of our labors.

With sentiments of high regard, I have the honor to be, very truly, your obedient servant,

N. G. TAYLOR,

President Osage Commission and Commissioner Indian Affairs.

Gen. CHAS. W. BLAIR,

President Fort Scott and Santa Fé Railroad Company.

D.

DISTRICT OF COLUMBIA, *Washington County, ss.:*

Before the undersigned, a notary public in and for the District of Columbia, personally came Charles W. Blair, of lawful age, who being sworn, deposes and says that the correspondence copied in the accompanying printed statement is a true copy of the correspondence that passed between him and Hon. N. G. Taylor, Commissioner of Indian Affairs. He further states that the facts embodied in the printed statement, accompanying said correspondence, so far as the same are stated of his own knowledge, are true, and so far as stated on the information of others, he believes to be true, both in substance and in fact.

CHAS. W. BLAIR.

Sworn to and subscribed this 15th day of June, A. D. 1868.

JOHN F. CALLAN, *Notary Public.*

E.

DISTRICT OF COLUMBIA, ss.:

George H. Hoyt, being duly sworn, deposes and says he is a citizen of the State of Kansas, and is attorney general of the said State; that since the execution of the treaty between the United States and the Osages of southern Kansas, at Drum creek, on or about May 27, A. D. 1868, numerous complaints have been lodged in his office relating to the said treaty and the action of the commissioners of the United States; and affiant avers, upon information and belief, that gross deceit was practiced upon the said Osage Indians by the said commissioners; that the said Indians were informed or caused to be informed by the said commissioners that the United States would not protect them, or give them their presents or annuities, unless they consented to sign the particular treaty brought by them from Washington; that other inducements were held out to the said Indians, and among others, the promise to secure peace between them and their enemies, the Arapahoes.

Affiant further avers that the lands conveyed by the terms of said treaties to the Leavenworth, Lawrence and Galveston Railroad Company comprise about 8,000,000 acres, equal to about one-sixth of the area of the whole State of Kansas, and nearly double the area of the State of Massachusetts; that he is familiar with that section of the State of Kansas, having frequently traversed it; that more than half the said lands are first-class and very rich and valuable lands, well watered and timbered along the waters of the Neosho and the valleys of the Verdigris rivers, together with numerous tributaries; that the said lands are desirable in every respect and are being fast settled upon by a thrifty and industrious people; that abandonment of those settlers, by this treaty, to the cupidity of speculators and non-residents, has caused a very bitter feeling to pervade the people of the whole State; that a large portion of these lands would readily sell for \$1 25 per acre within three or four years; that the proceeds of their sale, upon any just or reasonable terms, would construct not only the Leavenworth, Lawrence and Galveston railway to and beyond the limits of Kansas, but would also build the Fort Scott and Santa Fé and the Union Pacific Southern Branch railways.

And affiant says that Kansas is entitled to the 16th and 36th sections of land in each township, or an equivalent therefor, for the permanent school fund of the State; that a large portion of the State has been absorbed by Indian reservations; that in the retrocession or transfer of these reservations, no equivalent has been granted the State for said sections; that Professor McVickar, superintendent of public instruction for Kansas, applied to the commissioners to obtain a portion of said Osage lands for the uses of the school fund, and his application was refused. And affiant says all the above facts, together with various other material evidence, he will be able to produce, in case reasonable time is allowed him, before the ratification of the said treaty by the Senate of the United States; and further saith not.

GEO. H. HOYT,

Subscribed and sworn to before me this, the 16th day of June, 1868.

E. M. CHAPIN, J. P.

Articles of a treaty made and concluded at the Osage council ground, on Drum creek, in the Osage nation, in the State of Kansas, on the 27th day of May, A. D. 1868, by and between the United States, represented by Nathaniel G. Taylor, Commissioner of Indian Affairs, Thomas Murphy, superintendent of Indian affairs for the central superintendency, George C. Snow, agent for the Indians of the Neosho agency, and Albert G. Boone, special agent, (commissioners duly appointed by the President of the United States for that purpose,) and the Great and Little Osage tribe of Indians, represented by their chiefs, councilmen, and headmen duly authorized to negotiate and treat in behalf of said tribe, as follows :

ARTICLE I.

The tribe of the Great and Little Osage Indians are desirous of removing from Kansas to a new and permanent home in the Indian territory, and of making an advantageous and absolute sale of their lands in the State of Kansas. They desire, moreover, to so dispose of these lands as to aid in the speedy extension of the Leavenworth, Lawrence and Galveston railroad to and through the Indian territory, it being the only road now in process of construction running directly through the said territory which is to be the future home of themselves and their race, and for the further reason that it will give them in their new home the means of transit and transportation, and will tend to promote among them and their brethren the arts and habits of civilized life. The government of the United States is willing that the company constructing said railroad may become the purchasers of said lands on terms favorable to the Osages and the settlers, because said railroad has received from the United States no money subsidies, and only an inconsiderable land grant, and because when constructed it will become a great trunk line from the Missouri river to the Gulf of Mexico, and with its branches will open to settlement vast and fertile districts, now too remote from railroads and navigable waters to be susceptible of advantageous settlement and cultivation. It is, therefore, agreed that the Leavenworth, Lawrence and Galveston Railroad Company, a corporation duly organized under the laws of the State of Kansas, shall have the privilege of purchasing the present reserve of the Osages in Kansas, and also the strip of land lying along the north border of the present reservation, ceded to the United States in trust by article second of the treaty between the United States and the Great and Little Osage Indians, concluded September 29, 1865, on the following terms and conditions : Said company shall, within three months after the ratification and promulgation of this treaty, pay to the Secretary of the Interior \$100,000 in cash, and shall execute and deliver to him its bonds for the further sum of \$1,500,000, bearing interest, payable semi-annually, at the rate of five per cent. per annum; the interest on said bonds to commence when the Osages remove from their present reservation, which date shall be fixed, and notice thereof given to the company, by the Secretary of the Interior. One hundred thousand dollars of said bonds shall become due and payable each and every year after the date of execution thereof, so that the last \$100,000 of said bonds shall become due and payable in 15 years from the date of execution thereof. And if said company shall pay the said sum of \$100,000, and deliver its said bonds, bearing interest, for \$1,500,000, as above provided, and shall, one year thereafter, pay \$100,000 of said bonds, and interest on the whole of said bonds from the date when said interest shall have begun to accrue, and shall have built and equipped not less than 20 miles of said railroad from Ottawa, Kansas, in a southerly direction, then patents shall be issued to it by the Secretary of the Interior for an amount of said lands to be designated under his direction equal in value to one-fifteenth part of the lands which are herein authorized to be sold to said company, deducting and excepting, however, from said amount of land the lands which shall have been, between

the date of the purchase by said company and that date, purchased by settlers as hereinafter provided. And if said company shall, annually thereafter, pay \$100,000 of said bonds, and interest as thereinbefore provided on all the remaining bonds, and shall, each and every year thereafter, build and equip not less than 20 miles of said road until the same shall have reached the southern boundary of the State of Kansas, it shall, at the date of each of such annual payments, receive patents for a like amount in value of said lands, to be selected under the direction of the Secretary of the Interior, deducting and excepting from said amount the lands which shall have been, between the date of the next preceding payment and that date, pre-empted and paid for as hereinafter provided; and on payment of the last of said bonds and interest, as herein provided, it shall be entitled to receive patents for all the remainder of said lands herein authorized to be sold to it.

The whole of said lands, if purchased by said company, shall be appraised, at its expense, by three disinterested appraisers to be appointed by the Secretary of the Interior, whose compensation shall not exceed \$10 per day in full for services and expenses, and whose appraisal, when approved by the Secretary of the Interior, shall govern in ascertaining the relative value of the amounts of land from time to time selected and paid for, as hereinbefore provided. When said company shall make its first payment and deliver its bonds to the Secretary of the Interior, as above provided, he shall execute and deliver to it a certificate setting forth the fact that it has elected to purchase the lands herein provided to be sold, and is entitled to the possession and use of the same; which certificate shall be evidence of the right of said company to the possession and use of the said lands so long as it shall comply with the conditions of purchase therein prescribed as against all persons except Osages or other persons connected with the nation as may have authority from the Secretary of the Interior to remain temporarily on said lands. But such certificate shall not authorize the taking of any timber or stone from any of said lands, except from such as shall have been selected and paid for as herein provided.

None of said lands shall be subject to taxation except such as shall have been patented to said company, or selected and paid for as above provided. And whenever any patent shall issue to said railroad company for any part of said lands, it shall contain the condition that said company shall sell the lands described in said patent, except so much as may be necessary for the operation of said road, within five years from the issuance of said patent. But if the said company shall fail to pay the said sum of \$100,000 first above mentioned, and to deliver its bonds for \$1,500,000, as above provided, within three months from the ratification and promulgation of this treaty, then it shall have no exclusive right of purchasing said lands, but the lands shall then be surveyed under the direction of the Secretary of the Interior, and appraised by three disinterested appraisers, to be by him appointed, and offered for sale to actual settlers for the period of one year from the promulgation of this treaty, at not less than its appraised value, under such rules and regulations as the Secretary of the Interior may, from time to time, prescribe. And at the expiration of said year, should any of said lands remain unsold, the Secretary of the Interior shall cause the same to be sold in a body for cash, at not less than its appraised value. The proceeds of such sales, as they accrue, after deducting the expenses of survey and appraisal, shall be invested by the Secretary of the Interior for the benefit of said Indians, as hereinafter provided.

The Secretary of the Interior may proceed to sell the said lands in a body on the most advantageous terms: *Provided, however,* That the same conditions and terms shall be observed as herein stipulated: *And provided further,* That said lands shall not be sold for less than the price herein agreed to be paid therefor. In the event that after sufficient notice has been given no sale can be made of said lands in the manner last aforesaid, and if the said company shall, after paying said sum of \$100,000, and delivering said \$1,500,000 of bonds, fail to

make payment of any portion of the principal or interest remaining due within thirty days from the date when the same shall become due and payable, said company shall forfeit all its right to any portion of said lands not heretofore selected and paid for. And all of said lands herein provided to be sold to said company, which shall remain unpaid for, shall thereupon be sold by the Secretary of the Interior in the manner hereinbefore provided. And in case said company shall desire to pay any portion of said bonds before the same shall become due and payable, it shall be permitted to do so, and shall be entitled on such payment to have lands selected and patented to it in like manner as on the payment of the bonds when due. And no patent shall issue to any assignee of said company for any of the lands purchased by it under the provisions hereof.

ARTICLE II.

The right of way is hereby granted to said company through the lands herein authorized to be sold, not exceeding one hundred feet in width, and the right to take from said land such timber, stone, water, and other material as may be necessary for the construction and operation of the road, and for the construction of its stations, culverts and bridges: *Provided, however,* That no timber or stone shall be taken by the company or its agents from any of the lands not paid for, except on payment of the fair value of such timber or stone, and under such regulations as the Secretary of the Interior shall prescribe, for which amounts the company shall be entitled to credit on paying, as herein provided, for the lands from which such timber and stone may have been taken.

ARTICLE III.

The proceeds of the sales of the lands herein authorized to be sold shall be invested for the Osage nation in United States registered stocks, except as hereinafter provided, and the interest thereof shall be applied semi-annually under the direction of the Secretary of the Interior, as follows: (The interest on \$100,000 shall be paid in support of schools in said nation:) The interest on \$300,000 shall be paid in cash for national purposes. Five thousand two hundred dollars thereof shall be paid as compensation to the chiefs and councillors of the nation. Five thousand shall be expended for the encouragement of agriculture, to be paid *pro rata* to each head of a family in proportion to the number of acres cultivated and improvements made thereon by individual members of the tribe, the object being to encourage real industry among them; and the remaining \$4,800 shall be expended under the direction of the council and agent for the tribe in the payment of such other expenses as may be necessary for the benefit and support of their national government; and the interest on the balance shall be paid to the members of the nation per capita, or to the council for distribution in money, goods, provisions, and other articles of necessity as the council of the nation and the agent for the tribe may recommend, under the direction of the Commissioner of Indian Affairs.

ARTICLE IV.

All persons being heads of families and citizens of the United States, or members of any tribe at peace with the United States, who have settled on the strip north of the present Osage reservation known as the "Trust Lands," and are at the date of the signing hereof residing thereon as bona fide settlers, shall have the privilege at any time within one year from the date of the ratification of this treaty of purchasing from the United States a quarter-section, at one dollar and twenty-five cents per acre, to be selected in one body according to legal divisions, and to include as far as practicable the improvements of each settler: *Provided, however,* That said quarter-section shall not consist of or be made up from parts of different quarter-sections.

ARTICLE V.

Nothing in this treaty shall be held to impair the rights of half-breed Osages, and of the heirs of Joseph Swiss, under the provisions of article fourteen of the treaty concluded September 29, 1865, and it is hereby declared that the following persons are the heirs, and the only heirs, according to the Osage customs and laws, of the said Joseph Swiss, viz: Phebe Beyette, Julia Ravellette, Julia Ann Delorien, and Jacob Swiss; and it hereby provided that the improvements of said half-breeds now on the lands herein stipulated to be sold shall be appraised by the commissioners appointed to appraise these lands, and the value thereof shall be paid to the owners of said improvements by the parties purchasing them within six months after the ratification of this treaty.

They shall have an equal right, in proportion to their number, with the full-blood Indians in all the benefits to be derived from this and all former treaties with the Osage Indians, and shall select from their number one of their people who shall represent them in the councils of the nation, upon an equal footing with the other members of said council.

ARTICLE VI.

As a compensation to the Osages for the stock and farming utensils which the United States agreed to furnish them by the second article of the treaty of January 11, 1839, and which were only in part furnished, the United States agrees to pay the said nation twenty thousand dollars; and as compensation for the saw and grist mill which the United States agreed by said treaty to maintain for them for fifteen years, and which were only maintained five years, the United States agrees to pay said nation ten thousand dollars—which sums shall be expended, under the direction of the Commissioner of Indian Affairs, in the following manner: twelve thousand dollars in erection of agency buildings, a warehouse, and blacksmiths' dwellings, and a blacksmith shop, and the remaining eighteen thousand dollars in the erection of a school-house and church and the purchase of a saw and grist mill, which mill is to be managed and controlled by the society in charge of the Catholic mission, for the benefit of said Indians.

ARTICLE VII.

The reservation herein authorized to be sold shall be surveyed as other public lands are surveyed, under the direction of the Secretary of the Interior, and the expenses of survey paid by the said Leavenworth, Lawrence and Galveston Railroad Company.

ARTICLE VIII.

If the proceeds of the sale of the lands ceded to the United States by the first article of the treaty of January 21, 1867, shall exceed the amount of purchase money paid therefor by the United States and expenses incident to the survey and sale thereof, then the remaining proceeds shall be invested by the Osages in United States registered stocks, and the interest thereon applied semi-annually as other annuities.

ARTICLE IX.

The Osage Indians being sensible of the great benefits they have received from the Catholic mission, and being desirous to have said mission go with them to their new homes, it is hereby stipulated that two sections of land, to be selected by said society at or near the agency, shall be granted in fee simple to John Shoenmaker in trust for the use and benefit of the society sustaining

said mission, and it shall have the free use of such timber and firewood as may be necessary for the use of said mission and school, on condition that said society shall establish and maintain a mission and school for the education and civilization of the Osages. But if the said society shall fail to avail itself of the provisions of this treaty within twelve months after the removal of said Indians to their new home, it shall forfeit all the rights, privileges and immunities herein conferred upon it, including said lands, in which contingency these same rights, privileges and benefits so forfeited shall inure to any other Christian society willing to assume the duties and responsibilities and comply with the conditions herein enjoined on said mission: *Provided, however,* That in the event no Christian society should avail themselves of the benefits herein provided within two years from the removal of said Indians to their new homes, then all funds herein set apart for said school and missionary purposes shall be applied, under the direction of the Commissioner of Indian Affairs, to such purposes as in his judgment will best promote the moral, intellectual, and industrial interests of the Osage nation: *Provided,* That the annual expenditure for school purposes may be increased at the discretion of the Commissioner of Indian Affairs to an amount not to exceed five thousand dollars, as in his judgment the educational necessities of the Osages may require, to be deducted from the annuities.

ARTICLE X.

The Great and Little Osage nation of Indians being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their best interests that they should be allowed to commence their new mode of life free from the embarrassment of debt, it is hereby stipulated and agreed that all just and valid debts which may be due and unpaid at the date of the signing of this treaty, either to whites or Indians, by said Osages, shall be liquidated and paid out of the funds arising from the sale of the lands herein stipulated to be sold, so far as the same shall be found just and valid on an examination thereof, to be made by the agent of the tribe and the superintendent of Indian affairs for the central superintendency, whose duty it shall be to examine all claims presented to them within one year from the promulgation of this treaty, and to take in writing the evidence in favor of and against said claims, and after having made such examination they shall submit said claims to the national council of the Osage nation for their approval or rejection, and report their proceedings thereon with the evidence and decision of the council, and their opinions in each individual case, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be final: *Provided,* That the amount so allowed and paid shall not exceed forty thousand dollars: *And provided further,* That if the amount of just claims shall exceed the sum of forty thousand dollars, the said amount of forty thousand dollars shall be divided pro rata among the different claimants whose claims shall have been established and allowed.

ARTICLE XI.

The United States agrees that the agent for said Indians in the future shall make his home at the agency buildings; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE XII.

If any individual belonging to said tribe of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding 320 acres in extent, which tract when so selected, certified, and recorded in the land book, as herein directed, shall cease to be held in common; but the same may be occupied and held in the exclusive possession of the person selecting it and of his family so long as he or they may continue to cultivate it. Any person over 18 years of age, not being the head of a family, may in like manner select and cause to be certified to him or her for purposes of cultivation a quantity of land not exceeding 80 acres in extent, and thereupon be entitled to the exclusive possession of the same, as above directed. For each tract of land so selected, a certificate containing a description thereof, and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office subject to inspection, which said book shall be known as the "Osage Land Book." The President may at any time order a survey of the reservation, and when so surveyed Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the title held by each. The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation, and the internal police thereof, as may be thought proper.

ARTICLE XIII.

It is hereby agreed that the first article of the treaty made at Conville trading post, Osage nation, in the State of Kansas, on the 29th day of September, A. D. 1865, by and between the United States and the Osage tribe of Indians, shall be and hereby is so amended as to strike out in the second line of the fourth page, (printed copy,) after the word "interior," the words "*on the most advantageous terms,*" and in the third and fourth lines, after the word "laws" strike out the words "*no pre-emption claim,*" so as to make the clause, of which the words stricken out are members, read as follows: Said lands shall be surveyed and sold under the direction of the Secretary of the Interior for cash, as public lands are surveyed and sold under existing laws, but no homestead settlement shall be recognized." It is also agreed to add after the last word in the amended clause, viz., "recognized:" *Provided*, That nothing in this amendment shall be so construed as to diminish in any way the funds derivable to the Indians under said treaty, or construed so as to interfere with vested rights under said treaty.

ARTICLE XIV.

The United States hereby agrees to sell to the Great and Little Osage tribe of Indians, for their future home, at a price not to exceed 25 cents per acre, the following described district of country, viz: Commencing at a point where the 96th meridian west from Greenwich crosses the south line of the State of Kansas; thence south on said meridian to the north line of the Creek country; thence west on said north line to a point where said line crosses the Arkansas river; thence up said Arkansas river in the middle of the main channel thereof, to a point where the south line of the State of Kansas crosses said Arkansas river; thence east on said State line to the place of beginning. It is hereby agreed that the United States shall, at its own expense, cause the boundary lines of said country to be surveyed and marked by permanent and conspicuous monuments. Said survey to be made under the direction of the Commissioner

of Indian Affairs. And it is hereby stipulated and agreed that when the United States has secured a title to the above described lands, the Osages shall be required to remove and reside thereon; but nothing in this treaty shall be so construed as to compel the said Indians to remove from their present reservation until the government has secured said title, and notice thereof given by the Commissioner of Indian Affairs to the agent of said Indians.

ARTICLE XV.

The Osage tribe of Indians hereby assent to any alterations or amendments which the Senate of the United States may make to this treaty: *Provided*, That such alterations or amendments do not affect the rights and interests of said Osage Indians, as defined and secured in this and former treaties.

ARTICLE XVI.

The Osages acknowledge their dependence on the government of the United States, and invoke its protection and care. They desire peace and promise to abstain from war, and commit no depredations on either white citizens or Indians; and they further agree to use their best efforts to suppress the introduction and use of ardent spirits in their country.

ARTICLE XVII.

The United States hereby agree to pay to the Great and Little Osage tribe of Indians a just and fair compensation for stock stolen from them by whites since the ratification of the treaty of September 29, 1865, and it is made the duty of the agent for the said tribe to investigate all claims of this character and report the same with the proofs in each case to the Commissioner of Indian Affairs within three months from the ratification of this treaty.

ARTICLE XVIII.

It is hereby agreed that the Commissioner of Indian Affairs shall make an examination of the accounts of the Osage tribe of Indians, and if he finds that the sum of \$3,000 due Clairmont, a chief of said tribe, under the ninth article of the treaty of 1839, has never been paid to said chief, he shall cause the said sum to be paid to the said Clairmont for the sole use and benefit of the band of which he is chief.

In testimony whereof the undersigned, the said Nathaniel G. Naylor, Thomas Murphy, George C. Snow, and Albert G. Boone, commissioners as aforesaid, on behalf of the United States, and the undersigned chiefs and headmen of the Great and Little Osage tribe of Indians, have hereunto set their hands and seals, at the place, day, and year first above written.

N. G. TAYLOR,

[SEAL.]
*President of Commission.*THOMAS MURPHY,
GEORGE C. SNOW,
ALBERT G. BOONE,[SEAL.]
[SEAL.]
[SEAL.]
Commissioners.

A. N. BLACKLIDGE,

Secretary of Commission.

JOSEPH PAW-NE-NO-PASHE,

or White Hair, his × mark.
Principal Chief.

Gah-he-gah-ton-gah, (chief Clamor's band,)	his × mark.
Black Dog, (chief of Black Dog's band,)	his × mark.
Dog Thief, (2d chief Big Hill band,)	his × mark.
Mon-shon o-lar-ka, 2d chief Young Clamont's band,)	his × mark.

William Penn, (2d chief Black Dog's band,)	his × mark.
Big Heart,	his × mark.
Kan-sa-gah-ne, (1st councillor to Big Hill band,)	his × mark.
Che-sha-la-sha, (3d chief Big Hill's,)	his × mark.
Wa-che-wa-he, (3d chief Clamont's band,)	his × mark.
Major Broke-arm, (3d chief Black Dog's band,)	his × mark.
Ma-i-ka-ha, (4th chief of Black Dog's band,)	his × mark.
Clar-mont, (chief of Carmont band,)	his × mark.
Tan-non-ge-he, (chief Big Hill band,)	his × mark.
Little Beaver, (2d chief White Hair's band,)	his × mark.
No-pa-wala, (1st chief Little Osage,)	his × mark.
Strike Axe, (2d chief Little Osage,)	his × mark.
Tallers, (2d chief Clannor's band,)	his × mark.
Wah-ho-pa-wah-no-sha,	his × mark.
Wa-sho-pi-wat-tanka, (4th chief Little Osages,)	his × mark.
Wa-ti-sauka, (4th chief Little Osages,)	his × mark.
Thes-a-watanga, (3d chief To nan-sha-hees,)	his × mark.
Wy-o-ha-ke, (3d chief Little Osages,)	his × mark.
Tall Chief, (4th chief Big Hill's,)	his × mark.
Mo-en-e-she,	his × mark.
Ho-wa-sa-pa, (Big Chief's band,)	his × mark.
Wa-ta-an-ka, (principal councillor of Big Chief's band,)	his × mark.
Ne-ka-ka-honey, (principal councillor of Black Dog's band,)	his × mark.
Black Bird, (Joe's band,)	his × mark.
Non-se-an-ka, (Black Dog's band,)	his × mark.
Wa-ko-e-wa-sha, (Big Hill brave,)	his × mark.
Sa-pe-ke-sa, (2d councillor to Big Camer,)	his × mark.
Was-come-ma-neh, (Clarmont brave,)	his × mark.
To-tan-ka-she, (Clarmont brave,)	his × mark.
Sa-pa-ko-a, (Clarmont brave,)	his × mark.
Wa-sha-she-wat-ian-ker, (Clarmont brave,)	his × mark.
Mo-sha-o-ker-shan, (Big Hill brave,)	his × mark.
Che-wa-te, (Little Osages,)	his × mark.
Wa-ho-pa-inka, (Little Osages,)	his × mark.
Mathew, (Little Osages,)	his × mark.
Hard Chief, (Little Osages,)	his × mark.
Wa-ka-le-sha, (Little Osages,)	his × mark.
Shinka-wa-ti, (Little Osages,)	his × mark.
Wa-sho-she, (Little Osages,)	his × mark.
Pa-ne-no-pa-sha, (Little Osages,)	his × mark.
Che-to-pah, (principal councillor Little Osages,)	his × mark.
Hard Rope, (White Hair's principal councillor,)	his × mark.
We-pi-she-way-lap, (Beaver's councillor,)	his × mark.
Ke-no-e-nen-ke, (2d councillor to White Hair,)	his × mark.
Wa-la-ho-na, (councillor White Hair's band,)	his × mark.
Ka-ke-k-wa-ti-anka, (little chief White Hair's band,)	his × mark.
Ta-pi-gua-la, (little chief White Hair's band,)	his × mark.
Yellow Horse, (Big Hill brave,)	his × mark.
Go-she-seer, (brave Big Hill band,)	his × mark.
No-son-ta-she, (Big Hill brave,)	his × mark.
Ne-ko-con-see, (Big Hill brave,)	his × mark.
Wa-pe-sum-see,	his × mark.
Ne-ko-leverla,	his × mark.
Va-ha-su-she, (3d chief Big Hills,)	his × mark.
Joseph Paw-ne-no-pashe's braves.	
Or-le-he-non-she,	his × mark.

Cho-she-mon-nee,	his × mark.
Him-sha-ga-cire,	his × mark.
Wa-kon-ta-okee,	his × mark.
Wa-shin-pe-she,	his × mark.
Gron-na-ta-ne-gah.	his × mark.
Ha-gha-nee,	his × mark.
Ne-char-you-law,	his × mark.
Paw-nee-way-na-taw,	his × mark.
Wa-hon-ga-ta-gon-she,	his × mark.
War Eagle,	his × mark.
Ne-cha-na-shon-tow-ga,	his × mark.
Ka-ke-ga-wa-ta-ghe,	his × mark.
Non-son-do-she,	his × mark.
Wa mon-cha-na-che,	his × mark.
Pa-hon-do-gra-he,	his × mark.
Strike Ax,	his × mark.
Ka-tum-mo-ne. (White Hair brave,)	his × mark.
Pe-she-o-la-ha, (White Hair brave,)	his × mark.
Wa-she-ti-in-gah, (White Hair brave,)	his × mark.
Big Elk, (White Hair brave,)	his × mark.
Ki-he-di-na-she-p-she, (Beaver's little chief,)	his × mark.
Ka-he-ga-sta-ka, (little chief Beaver's band,)	his × mark.
Ve-ne-ka-ka, (little chief Beaver's band,)	his × mark.
Wolfe, (little chief Beaver's band,)	his × mark.
Wa-no-pa-she,	his × mark.
Ne-ko-le-bra,	his × mark.
Shin-ko wa-sah, (Beaver's councillor,)	his × mark.
Men-ti-anka, (brave,)	his × mark.
O-pon-to-ga, (3d chief Clarmont's band,)	his × mark.
Wa-he-sa-he, (principal councillor old Lamor,)	his × mark.
Ho-ne-ka-she,	his × mark.
Night,	his × mark.
Wolfe, (4th chief Clarmore's band,)	his × mark.
Kob-ka-she,	his × mark.
Wa-sha-tun-ka,	his × mark.
Her-la-she,	his × mark.
Le-he-pie,	his × mark.
Pa-hungra-ha-hie,	his × mark.
Ne-ka-gone,	his × mark.
Ma-ke-o-ti-ke,	his × mark.
Me-lo-tu-mu-ni, (12 o'clock,)	his × mark.
()-cunse-wa-skun,	his × mark.
No-pa-wa-hre,	his × mark.
Ka-la-wa-sho-she,	his × mark.
Me-kas-ko-a-la-quah,	his × mark.
Kon-sa-ka-a-ree,	his × mark.
O-kee-pa-lo,	his × mark.

Signed in our presence this 27th day of May, anno Domini 1868.

ALEX'R R. BANKS, *Special United States Indian Agent.*

GEORGE W. YATES, *Captain 7th United States Cavalry.*

J. S. KALLOCH.

M. W. REYNOLDS, *Reporter for Commission.*

MOSES NEAL.

CHARLES ROBINSON.

W. P. MURPHY,

WILLIAM BABCOCK.

The undersigned, interpreters of the said nation, do hereby certify that the foregoing treaty was read and interpreted by us to the above-named chiefs and headmen of the Osage nation, and that they declared themselves satisfied therewith, and signed the same in our presence.

ALEXANDER BEYETT,

United States Interpreter.

LEWIS P. CHOUTEAU,

Special Interpreter.

AUGUSTUS CANTAIRE,

Special Interpreter.

SALE OF IRON-CLADS.

JUNE 19, 1868.—Ordered to be printed and recommitted to the Committee on Retrenchment.

Mr. JENCKES, from the Committee on Retrenchment, made the following

REPORT.

The Joint Select Committee on Retrenchment, who were, by a resolution of the House of Representatives of the 28th of April, instructed "to inquire into the alleged fraudulent sale by the Navy Department of the iron-clads Oneoto and Catawba to Alexander Swift & Co., and report all the facts and circumstances connected therewith to Congress," beg leave to submit the following report:

Before proceeding to the examination of witnesses in regard to the transaction referred to in the resolution of the House of Representatives, the committee deemed it proper to call upon the Navy Department for a copy of all documents and papers upon its files in connection with the subject-matter; and in response to this inquiry, the committee were furnished by the Secretary of the Navy with copies of the papers hereto annexed, marked Appendix A.

Upon receiving these papers, the committee proceeded to examine the Secretary of the Navy, the Assistant Secretary, the chief of the Bureau of Construction, and various parties connected with this transaction. The result of their inquiries, as derived from this investigation and from the notorious public history of the times, discloses the following facts:

During the war for the suppression of the rebellion, the Navy Department contracted for the building of a large number of iron-clads of various classes, some of which were not completed at the actual conclusion of hostilities. Among the vessels thus contracted for were the Catawba and the Oneoto, built by Alexander Swift & Co., at or near Cincinnati. The contract price for each vessel was \$460,000, in addition to which the department allowed for extra work and matters not included in the original contract \$161,424 54, making the total cost to the government of each of these vessels \$621,424 54.

The actual close of hostilities left a large number of these vessels on the hands of the government, for which it had no present use. The contractors presented large claims for additional allowances on account of extra work alleged to have been done, and not paid for by the department. The total of these claims, as presented to the 39th Congress by the contractors for the various descriptions of iron-clads, was several millions of dollars. Congress refused to allow these claims, and the result of its action was the appointment of a board, which reduced them to a small percentage. The 39th Congress, however, by two acts passed on the 2d of March, 1867, authorized the Secretary of the Navy to release to William H. Webb the iron-clad Dunderberg, and to George Quintard the iron-clad Onondaga, upon the payment by them respectively into the treasury of all sums paid or advanced to them by the government on account of the building of these vessels. Encouraged by this action of Congress, and presuming that they would not obtain payment of the claims which they had made, the various contractors made application to the Navy Department to obtain the vessels built

by them, upon the same terms upon which the vessels built by Quintard and Webb had been released. This application seems to have been considered by the President and cabinet, and an informal understanding to have been arrived at, though without the authority of any existing laws, that the various parties who had built iron-clads should have them released to them on the same terms. Alexander Swift & Company, the builders of the *Oneoto* and *Catawba*, seem to have had an informal arrangement or understanding with the Navy Department, in pursuance of this alleged cabinet understanding or agreement, that they should have the right to obtain the vessels upon refunding to the government the amount which it had paid, which would be about \$1,250,000. They seem to have proceeded at once to endeavor to procure customers for the vessels, and in the summer of 1867 made a contract with one Marquez, representing himself to be an agent of the Peruvian government, which government was then engaged in war with Spain. In order to fit the vessels for the purpose of the Peruvian government, M. F. Merritt, on behalf of Alexander Swift & Company, applied to the Navy Department, in August, 1867, for permission to take the vessels from the place at which they were lying, near New Orleans, to a wharf in that city, for the purpose of making certain repairs thereon. It turned out, however, that Marquez had no authority from the Peruvian government to make the contract referred to, whereupon Mr. Gustavus Ricker, of the house of Alexander Swift & Company, proceeded to Peru, and made a contract with the minister of war and marine of that government for the sale of these two vessels, for the price of \$1,000,000 each. The committee have come into possession of a copy of this contract, which is undoubtedly correct. It is hereunto annexed, marked Appendix B.

It will be observed that at the time this contract was made for the sale to Peru of these two specific vessels, Alexander Swift & Co. had no right or title to them; they were the property of the government of the United States. Alexander Swift & Co., however, as has been already stated, claim to have had, and seem to have had, an informal understanding with the Navy Department that they should be allowed to take the vessels on paying to the government a million and a quarter of dollars for the two. This arrangement was not carried out. Whether the department became satisfied that there was no authority of law to enable them to do it, or whether the Secretary was unwilling to take the responsibility, does not appear; but at any rate a joint resolution was drawn up in the department for submission to Congress to carry out the terms of the alleged cabinet agreement. This resolution was introduced into the House of Representatives, amended by the House, and came to the Senate in the form of a proposition to allow the department to contract for the sale of any iron-clads for a price not less than the appraised value to be fixed by a board of five naval officers, two of whom should be engineers. In the Senate it was pointed out that the resolution made no provision for any competitive bidding, or for any publicity whatever. The resolution was amended in these respects so as to assume the shape in which it now appears, and it finally became a law on the 3d of February, 1868.

The Navy Department was not slow in acting upon the authority thus conferred. Indeed, a board was selected, notified, and authorized to act, before the joint resolution had become a law. The board proceeded to New Orleans, where these two vessels, with a number of others of the same class, were lying. The report of the board was made on the 18th of February, 1868, appraising the vessels in question, the *Oneoto* at \$375,000, and the *Catawba* at \$380,000. Immediately upon receipt of a telegraphic announcement of this finding of the board at New Orleans, the Secretary of the Navy, at Washington, issued an advertisement announcing that sealed proposals would be received until the 20th of March at 12 o'clock noon for the purchase of these vessels among others. In answer to this advertisement, a number of bids were received, varying in amount.

It is evident that many of these bids were not genuine. The lowest bid received was that of M. F. Merritt, who bid for the two vessels \$801,050. The highest bid was that of Daniels & Smith, who bid \$795,000 for each. On failure of Daniels & Smith, to whom the award was made, to respond, the vessels were offered to the next highest bidder, William D. Russell, of Newark, New Jersey, who had bid for them \$660,000 each. He telegraphed to the department that he had received their notice and intended to comply with the terms of the advertisement of February 18. This telegram was dated the 26th of March. According to the advertisement he had three days within which to make his deposit of 20 per cent. as required by its terms. On the 27th of March Mr. M. F. Merritt made an offer to the department to take the vessels at his previous bid, on the ground that the highest bidders having failed to make their deposit, the department was at liberty to dispose of the vessels in the manner considered most advantageous to the government. He enclosed with his letter checks to the amount of \$175,000, but limited the acceptance of his offer to that day or the next one. On the following day, although the three days properly allowed to Mr. Russell under the terms of the advertisement had not expired, the department decided that he had failed to deposit his 20 per cent., and thereupon issued a circular letter to all the other bidders, notifying them that, if they desired the vessels at their bids, they should deposit 20 per cent. by Wednesday, the 1st of April, at 12 o'clock noon, with Paymaster Jackson, in Washington; and at the same time that this circular letter was sent to Mr. Merritt with others, the department sent him another letter returning his checks accompanying his letter of the 27th, and declining to entertain the proposition therein contained.

On the 1st of April, none of the bidders having deposited the 20 per cent. required by the circular letter of the 28th of March, the Navy Department decided that the bids had all failed, and concluded to turn the matter over to Mr. Lenthall, chief of the Bureau of Construction and Repairs, though the formal letter of authority authorizing Mr. Lenthall to sell the vessels was dated on the 2d of April. On the same day with the date of this letter, an offer was presented to Mr. Lenthall by Messrs. Alexander Swift & Co., dated, however, on the 1st of April, agreeing to give for the two vessels \$740,000, or, if that should not be equal to the appraisement, the amount of the appraisement. Mr. Lenthall immediately submitted this offer to the Secretary of the Navy, who directed him to accept it, and thereupon it was accepted, and in a few days the vessels were turned over to Alexander Swift & Co. at their appraised value, \$755,000,

It appears that during the time these negotiations were transpiring, Mr. Merritt was in Washington, and in constant communication with the Navy Department. He and the Assistant Secretary of the Navy, both, swear that they have been intimate friends for years. They seem to have been dining together daily; and Mr. Merritt evidently appears to have been well informed of the purposes of the department.

It also appears that Mr. Merritt had previously made application to the department in respect to these same vessels on behalf of Alexander Swift & Co., so that the department knew, or ought to have known, that he was connected with them in the transaction. The result of the operations seem to have been that Alexander Swift & Co. obtained these two vessels for \$46,050 less than the bid made in their behalf by Mr. Merritt. It is evident to the committee that an understanding existed between Alexander Swift & Co., Merritt, the Assistant Secretary of the Navy, and, perhaps, the Secretary himself, that Swift & Co. should have these vessels; and the whole matter seems to have been so arranged as to have prevented other bidders from having any opportunity to obtain them. This is further evident from the fact that Mr. Stocking, a broker in New York, came to Washington in behalf of his principals, Messrs.

Partridge & Perry, who had bid for the two vessels \$955,000, or \$153,950 more than Merritt's bid. After receiving the circular letter of the 28th of March, Messrs. Partridge & Perry sent Mr. Stocking to Washington to obtain information as to what they should do in the premises. He came here, went to the Navy Department and asked permission to see the schedules or tables of bids. This was declined by the Assistant Secretary, and he was informed that his principals knew the amount of their own bid. He replied that he supposed they did, but he had seen different figures in statements purporting to come from the department, and as his clients had to deposit their money the next day, he was anxious to be entirely certain. The Assistant Secretary still declined to give him any information. When questioned by the committee on this point, the Assistant Secretary was entirely oblivious of the interview, but on being reminded of the particulars of the conversation, he was able to remember the tones of voice and the excited manner of his visitor. Mr. Stocking at the close of the conversation with the Assistant Secretary was referred by him to the Secretary of the Navy. The Secretary declined to entertain his request, but finally asked him to put it in writing. Mr. Stocking was about doing so, but, considering that it was then between 2 and 3 o'clock of the afternoon of the 31st of March, and that his principals in New York had to be notified by telegraph, and to raise \$200,000 to reach Washington by noon the next day, he concluded that if he put his request in writing it would not be answered in time to accomplish his purpose, and he accordingly left the department. His principals in New York, however, notified him by telegraph that they had arranged to send on the money. Captain Cornstock, on behalf of other bidders, came from New York on the night of the 31st of March, but arrived here too late to be of service to the parties he represented. The Secretary of the Navy remembers the fact that Captain Cornstock called upon him on the morning of the 1st of April and made inquiries in regard to the matter, but he considered Captain Cornstock's inquiries merely, as he expressed it, "as a feeler." Another difficulty in the way of these parties making their deposit was found in the fact that the paymaster at Washington supposed himself authorized to receive nothing on deposit but United States notes or national bank notes, and it was a somewhat difficult thing to obtain \$200,000 in that currency by 12 o'clock, noon, of that day. The result was that Messrs. Partridge & Perry did not make their deposit, and, as before stated, the bids were all declared to have failed, and the matter was turned over to Mr. Lenthall, chief of the Bureau of Construction and Equipment, who, on the next day, under the authority of the Secretary of the Navy, sold the vessels to Alexander Swift & Co. for their appraised value, \$755,000, or \$46,050 less than the bid made by Mr. Merritt on behalf of these same parties, and \$200,000 less than the bid of Messrs. Partridge & Perry.

The committee cannot resist the conclusion, from these facts which have thus been detailed in chronological order, that there was an understanding between Mr. Merritt, Alexander Swift & Co., and their associates, that these vessels were to be obtained by Alexander Swift & Co., or some one in their interest and connected with them, for as low a price as possible.

The committee also think that the department, by the exercise of proper diligence, might have obtained a larger sum from these same parties, equal, at least, to the amount of their bid. The original verbal understanding with them was that they should pay the government the amount which the vessels had cost it, about a million and a quarter dollars. The department, by a singular misconstruction of the law, claimed the authority to sell these vessels at the appraised value at private sale. To the committee it is clear that the true construction of the law is that the appraised value put upon the vessels by the board of naval officers, for whose appointment the joint resolution of February 3 provided, was a limitation below which the department was not to consider any bids that might be submitted, but the plain purpose and the evident meaning of

the resolution was that there should be an open competitive bidding, and that if any bid was below the appraisal it should not be considered, and that if none of the bidders responded, the department could take no action until there should be a new advertisement and a new bidding, the object of the government being, as it should be, to obtain the highest possible price for the vessels. The committee think the evidence justifies them in supposing that, although several of the bids may not have been made in good faith, yet that it is probable that Partridge & Perry were prepared to comply with their bid, which would have yielded the government \$200,000 more than the sum actually realized from the sale of these vessels. But even if this bid should have been thrown out, the committee can discover no excuse for the action of the Navy Department in not holding Alexander Swift & Co. to the bid which they had made through M. F. Merritt, instead of furnishing to them the vessels at \$46,050 less than the bid which they had just made.

The committee, on all the evidence, cannot resist the conclusion that the Assistant Secretary of the Navy and the Secretary himself knew or had good reason to believe that Merritt and Swift & Co. were acting in concert. The testimony shows that Merritt and Ricker were frequently at the department during the time between the issuing of the advertisement and the final disposition of the vessels. Merritt had previously represented the interests of Alexander Swift & Co. when claimants for extra work upon these very vessels; he had made application as their agent to the department for permission to take the vessels to a wharf in New Orleans for the purpose of repairs; the department had frequently recognized the joint interest and concerted action of these same parties, and in the transactions inquired into they have been found to be a single concern.

Perhaps the international feature of this transaction is the most grave one for the consideration of Congress. It is a matter of notorious public history that war was being carried on in the years 1865 and 1866 between the government of Spain on the one hand, and the governments of Peru and Chili on the other. During the pendency of hostilities, applications were made to obtain possession of these vessels for one of the belligerents. If the government of the United States had been privy to any arrangement by which these vessels of war should be delivered to the agents of a belligerent, either in our own ports or upon the high seas, it would certainly have violated its international obligations. Of course, when Congress authorized the sale of these vessels it was known that individuals had no use for them; yet it might have assumed, as in the case of the Dunderberg and the Onondaga, that the executive department would take care that any individual who should purchase with a view to a resale to some foreign power would not be permitted to violate the obligations of the United States as a neutral nation. The Secretary of the Navy evidently had information which led him to believe that the Peruvian government was endeavoring in some way to get possession and control of some of the iron-clad vessels, which it was understood this government proposed to dispose of, and the evidence shows that he knew that negotiations were pending between that government and those contractors for the purchase of these particular ships. It seems to have been a matter known to some of the bidders at least that Swift & Co. had an arrangement with the government of Peru for the sale to it of these particular iron-clads, an agreement made while the vessels were the property and in the possession of the United States, and when Alexander Swift & Co. had no right or title to them. This contract was undoubtedly made with the idea that Alexander Swift & Co. believed that they could get possession of the vessels from this government in some way. This is shown by the encouragement which they received from the Navy Department upon their proposition for a purchase of these vessels at their original cost, and the facilities afforded for fitting the vessels for sea. How Swift & Co. were to deliver the vessels to the agents of

the Peruvian government does not appear. There is some evidence of an intent to obtain a clearance for some Mexican port, and the contract for the sale of the vessels to the Peruvian government contemplates a delivery to that government's agents on the high seas as well as in New Orleans or in neutral waters. In either of these cases, except the delivery in New Orleans, the departure of the vessels from that port could only have been effected by a stratagem similar to that by which the Alabama left the port of Liverpool, or by a fictitious or fraudulently obtained clearance. The parties admit that they had intended to say no more to the government officers at New Orleans than they would have actually been obliged to in order to effect the clearance of the vessels, and the Navy Department took no steps to advise the other departments of the government of the sale of the ships and of their probable destination, in order to invite scrutiny when the ships should be ready for sea and their officers should apply for the proper clearances. The reasons for this conduct are to be found in the testimony of the Secretary. He had no further use for those war vessels, and wished to dispose of them. He says that the acts authorizing the sale of the Dunderberg and the Onondaga were according to the advice which he had given in cabinet meeting when it had been overruled. He was willing to let the contractors take the vessels at cost and have a reasonable time for disposing of them, and run the risk of being able to deliver them to their customers, who must of necessity be some maritime power. The vigilance of the proper officers of the government would have prevented any infraction of the neutrality laws or of the laws of nations. Hence, without authority of law, he said to the parties who built the Oneoto and Catawba that they might take these ships on the same terms if they would come with the money and pay down without question or delay. He seems to have wished the approval of Congress to such a transaction, and unless some complication had arisen from it he had reason to believe from the former action of Congress that it would probably have been granted without hesitation, not only upon such a sale of these two vessels, but of all others for which the government had no use. It would have been a larger sum than could have been obtained for them at any public sale, and more than it would have cost to replace many of them if the government should again be involved in war. This understanding was satisfactory to the owners of these two vessels, and they immediately acted upon it. They contracted to sell the ships to the Peruvian government at a profit of \$750,000 if delivered in New Orleans, and of \$950,000 if delivered on the high seas or in Mexico. They obtained permission of the Navy Department to work upon the vessels, and contracted for masts, spars, and other furniture for their equipment. But every step taken by the department, and by Congress at the instance of the department, subsequently inured to the pecuniary benefit of these contractors. Instead of proposing to Congress to pass a joint resolution authorizing the sale of all these iron-clads to their builders at cost, or at any percentage on their cost, which was the principle advocated by the Secretary in the cases acted upon by Congress, the Navy Department furnished the Naval Committee of the House with a resolution authorizing an appraisal of these ships, and a sale at not less than their appraised value. The resolution was modified in its passage through Congress so as to require a competitive bidding, and to confine the right of purchase to the highest bidder. Of course these parties at once saw that it was for their advantage not to carry out the "understanding," as no appraisers would fix the value of the vessels at their cost; and as the cost was known or might be known to everybody, no sane or solvent person would bid for them any greater sum. As the contract with the Peruvian government, based upon the original "understanding" that the builders might take back their own work, called for the delivery of these two vessels by name, it was necessary that they should take measures to secure them under the competitive bidding, and it was for their interest to obtain them as nearly at the amount of

the appraisal as it would be safe to risk a bid in case there were *bona fide* competitors. They knew that some persons had been advised of their contract with Peru, and one of them, who had been instrumental in negotiating the agreement with Marquez, subsequently thrown up on account of want of authority in Marquez, might prove hostile and incite other parties to bid against them in the expectation of being bought off, if such bid should prove successful.

The appraisal, it will be remembered, was \$755,000 for the two vessels, and the result of the conjectures, speculations, and calculations of these parties, as described by themselves, was a bid of the peculiarly constituted sum of \$801,050. After the bids were opened, this appearing to be the lowest, it was necessary for the parties to ascertain two things in order to carry out their plan successfully: the first, whether the higher bids were made in good faith; and the second, whether their bid was above the appraisal, so that it could be received at all. It seems they used the ordinary modes of ascertaining the first, and took the risk accordingly; and the second was ascertained by the ingenious mode of sending a letter to the Secretary enclosing good checks to an amount exceeding the 20 per cent. required to be deposited, and offering to take the ships at their bid of \$801,050, provided it was accepted on that day or the next. The Secretary decided at once to refuse this offer and return the checks, and to notify the bidders after the next highest had failed to respond, at the same time giving these parties to understand that they were considered as bidders. This course the Secretary decided upon, although he believed, as he testifies, that all the other bids were made, as he expresses it, by "shysters." These parties agreed with the Secretary in his opinion of these competitors, and having ascertained that the appraisal was less than their bid, and having the means in hand to comply with the terms of their bid if necessary, they watched the expiration of the term for making the deposit with confidence. They seem to have been thoroughly advised of the construction placed by the department upon the joint resolution, and were aware of their desire to dispose of any and all of their iron-clads at the amount of their appraised value. Hence it became for their interest not to comply with their bid, but to rely either upon making terms with any higher bidder that should make his deposit, or, which was far better, of obtaining the vessels at the appraised price. They felt sure of the latter event, and were not disappointed. As soon as the time had expired for receiving the deposits, and before the fact could have been known to the department, and before their instructions were in fact given to the naval constructor, J. Lenthall, to make sale of the vessels at the appraisal, these parties wrote to the department offering for them \$740,000, or an amount equal to the appraisal. This offer was accepted as soon as the necessary authority could be given by the Secretary through the Assistant Secretary, Mr. Faxon, and these parties realized the sum of \$46,050 by their shrewdness and boldness.

Mr. M. F. Merritt, in whose name this business was transacted, is described by the Secretary as an old acquaintance and friend, frequently at the department, and who has had contracts with the department during the war, and has been a great deal in Washington and at the office of the Secretary. The Assistant Secretary describes him as a very intimate personal friend, at whose house he always stops when he goes to Connecticut, and where he expects to stop whenever he goes up to Connecticut hereafter upon purely social visits, and who, he thinks, in some way "had an inkling" of what the appraisal of these vessels was before it had been made public.

If, as the Secretary states, there were many applications to him by contractors to receive back the vessels built by them upon the same terms as those conceded to Mr. Webb and Mr. Quintard, and he approved of the manner of disposing of the ships, it seems singular that no such suggestion was made by the department to Congress either at the March or July sessions, and that the action finally proposed through the House naval committee was of such a very differ-

ent character. The result of the conduct of the department has been that the government has parted with these two vessels at a price nearly half a million less than was satisfactory last summer, and has lost the chance of disposing of all the other vessels included in the resolution of February 3, 1868, at any greater sum than the appraised value, if it has not lost the chance of selling them altogether.

Although, in the opinion of the committee, the Secretary had no power to sell these vessels under the joint resolution of February 3, except to some bidder who complied with the conditions of sale authorized by that resolution, yet a sale has actually been made by him at the appraised value, the money received and paid into the treasury, and the vessels delivered to the purchasers. The ships now lie in the port of New Orleans; work is rapidly progressing upon them; they are receiving on board guns, provisions, and munitions of war, and will soon be, if they are not at the present time, ready to sail upon a cruise.

As the matter now stands, certain citizens of the United States have become the purchasers from their own government of two iron-clad war ships, for the purpose of fitting them up and turning them over to a foreign government in condition for service under a contract previously made, that government being at peace with our own, but in a state of recognized belligerency with another nation with whom we are also at peace. The officers of each department of our government, and the representatives of both of the foreign governments, are fully informed of the facts, and the question to be solved is as to the manner of delivering the ships to the agents of the government which has contracted to purchase them, without rendering their present owners criminally liable for a breach of our neutrality laws, and without a violation of international obligations on the part of our own government.

The present laws are sufficiently stringent to preserve all the obligations of our government, and to prevent and punish any infraction of the neutrality laws by our citizens, or others within our territory, and to protect the interests of the government against fraudulent combinations upon the part of its officers with other parties. The executive department is clothed with ample power to enforce these laws, and to punish for their violation; and the questions seem to be such as to require the decision of that department in the first instance; but in the opinion of the committee, under existing circumstances, these vessels cannot be delivered to the Peruvian government without a violation of our neutrality laws. It is the duty of the executive department, being so clothed with ample authority in the premises, to see to it that all our obligations of neutrality, both under the statute and international law, be fully observed.

The committee, therefore, submit the facts thus ascertained for such action as may seem demanded, and ask to be discharged from the further consideration of the subject.

APPENDIX A.

[Public resolution No. 9.]

JOINT RESOLUTION providing for the sale of iron-clads.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to dispose of such iron-clad vessels, except those of the Dictator, Kalamazoo, Monadnock and Passaic classes, as in his judgment are not required by the interests of the service, at a price to be determined by appraisal, to be made by a board of not less than five naval officers, two of whom shall be engineers; and report shall be made to Congress as fast as said vessels are sold,

of the amounts realized from such sales, and the parties to whom sold : *Provided*, That after such appraisal, public notice shall be given that proposals will be received for 30 days for the purchase of said vessels, and that the highest price so proposed, being not less than the appraisal, shall be accepted : *And provided further*, That the proceeds of all such sales shall be paid into the treasury of the United States.

Approved February 3, 1868.

NAVY DEPARTMENT,
January 31, 1868.

SIR : Proceed to Washington city and report to the Navy Department, on Wednesday, February 5th, at 10 o'clock a. m., as chairman of a board to appraise certain iron-clad vessels, under authority of a recent act of Congress.

The discharge of this duty will require the board to visit New Orleans, Cairo, and League island.

Further instructions will be given you at the department.'

Associated with you are Captains John J. Almy and F. A. Parker, and Chief Engineers J. W. King and E. Lawton.

Respectfully,

G. WELLES,
Secretary of the Navy.

Commodore J. A. WINSLOW,
U. S. Navy, Roxbury, Massachusetts.

NAVY DEPARTMENT,
Washington, January 31, 1868.

SIR : A board, of which Commodore John A. Winslow is chairman, has been appointed, under a resolution of Congress, to appraise the following vessels at the New Orleans station, viz :

Manhattan, Catawba, Manayunk, Oneoto, Tippecanoe, Chickasaw, Kickapoo, and Winnebago.

Upon the reporting of the board, you will afford them every facility in your power for the discharge of their duty, and you will, without delay, cause to be made an inventory of all the fittings belonging to each vessel, which will be furnished by you to the board.

Very respectfully,

G. WELLES,
Secretary of the Navy.

Captain FRANCIS S. HAGGERTY,
In charge of iron-clads, New Orleans, Louisiana.

NAVY DEPARTMENT,
February 4, 1868.

SIR : The board of which you are president will proceed to Washington navy yard and appraise the four vessels named in the accompanying schedule, and after completing this duty will proceed to New Orleans—from thence to Cairo, League island, and Boston.

Only the vessels named in the accompanying paper will be appraised ; those of other classes at the different stations having been specially excepted from sale. The appraisal of vessels is to be made as they are in their present location, so that if a sale is effected they can be turned over to the purchaser without expense to the government, and without liability for injury in moving or for deficiencies in any of their fittings.

To aid you in determining the present value of the vessels, the cost of each is given ; also the cost of the armament and its present condition as determined by the books of the Ordnance Bureau.

The commandants of the several stations have been directed to make as far as is practicable an inventory of the fittings of the vessels for your use and to otherwise afford you all the aid in their power.

Your reports will be made from each station and forwarded in duplicate by different mails.

Very respectfully,

G. WELLES,
Secretary of the Navy.

Commodore J. A. WINSLOW,
*President of board to appraise iron-clad vessels,
Washington, D. C.*

Iron-clad vessels, New Orleans.

	Catawba.	Oneoto.
Contract price.....	\$460,000 00	\$460,000 00
Extras.....	161,424 54	161,424 54
Total amount paid.....	621,424 54	621,424 54
Description of guns.....	2 XV-in.	2 XV-in.
How much used.....	New guns.	New guns.
Cost of guns and ordnance fittings.....	*\$13,500 00	\$14,000 00

* XV-in. carriages *not* included.

UNITED STATES MILITARY TELEGRAPH,
February 18, 1868—8.45 a. m.

[By telegraph from New Orleans, February 17, 1868.]

To Hon. SECRETARY OF THE NAVY :

The board have completed appraising the iron-clads here. Report will be forwarded by mail.

JNO. A. WINSLOW, *Commodore,
St. James Hotel.*

NEW ORLEANS, LOUISIANA,
February 18, 1868.

SIR : In obedience to the order of the Navy Department of the 4th instant, to appraise certain iron-clads enumerated therein, we have the honor to report

that we have made a careful examination of the following named vessels lying at New Orleans, and appraise them in their present location and condition as follows :

Manhattan, three hundred and seventy-five thousand dollars, (\$375,000.)

Catawba, three hundred and eighty thousand dollars, (\$380,000.)

Manayunk, three hundred and eighty thousand dollars, (\$380,000.)

Oneoto, three hundred and seventy-five thousand dollars, (\$375,000.)

Tippecanoe, three hundred and eighty thousand dollars, (\$380,000.)

Chickasaw, one hundred and sixty thousand dollars, (\$160,000.)

Kickapoo, one hundred and sixty-five thousand dollars, (\$165,000.)

Winnebago, one hundred and seventy thousand dollars, (\$170,000.)

We are, very respectfully, your obedient servants,

JNO. A. WINSLOW,

Commodore and President of the Board.

JOHN J. ALMY,

Captain U. S. Navy.

FOXHALL A. PARKER,

Captain U. S. Navy.

J. W. KING,

Chief Engineer United States Navy.

ELBRIDGE LAWTON,

Chief Engineer United States Navy.

Hon. GIDEON WELLES,

Secretary of the Navy.

NAVY DEPARTMENT,

Washington, February 18, 1868.

Sealed proposals will be received until the 20th of March, at 12 o'clock noon for the purchase of the following vessels :

At the Washington yard.—The Mahopac, Saugus, Casco, and Chimo.

At New Orleans.—The Winnebago, Manhattan, Catawba, Manayunk, Oneoto, Tippecanoe, Chickasaw, and Kickapoo,

The proposals will state the price that will be given for the vessels in their present condition, and with such fittings as are now attached to them.

The vessels can be seen and all necessary information concerning them will be given by the commandants of the stations.

The right is reserved to reject any or all of the proposals if their acceptance is not for the interest of the government.

Twenty per cent. of the purchase money will be required within three days, after a notification of the acceptance of a proposal, to be forfeited in case of non-completion of the purchase, and the balance upon the final delivery of the vessel.

The proposals should be indorsed "Proposals for purchase of iron-clads."

GIDEON WELLES,

Secretary of the Navy.

Bids for the purchase of iron-clad vessels under advertisement of Feb. 18, 1868.

Name of vessel.	Name of bidder.	Residence.	Amount offered.
Casco	Wyeth & Bro.	Baltimore, Md.	\$15,751
Chimo	do	do	15,751
Chickasaw	do	do	6,575
Winnebago	do	do	6,575
Kickapoo	do	do	6,575
Chimo	Jos. Rittenburg	do	16,335
Casco	do	do	16,335
Winnebago	do	do	7,995
Chickasaw	do	do	7,995
Kickapoo	do	do	7,995
Casco	Thomas J. Wilson, jr.	do	21,311
Chimo	do	do	21,221
Winnebago	do	do	13,987
Chickasaw	do	do	13,987
Kickapoo	do	do	13,987
Casco	Charles W. Adams	do	17,555
Chimo	do	do	17,533
Winnebago	do	do	11,755
Chickasaw	do	do	11,755
Kickapoo	do	do	11,755
Casco	John H. Franklin	do	19,333
Chimo	do	do	19,895
Winnebago	do	do	12,125
Chickasaw	do	do	12,125
Kickapoo	do	do	12,125
Oneoto	M. F. Merritt	Washington	} 801,050
Catawba	do	do	
Catawba	Fuentes & Co.	New York	} 1,025,000
Oneoto	do	do	
Casco	E. L. Fay	Washington	17,100
Casco	A. Purves & Son	Philadelphia	8,000
Chimo	do	do	8,500
Catawba	W. J. Ferry	New York	425,000
Oneoto	do	do	425,000
Catawba	William D. Russell	Newark, N. J.	660,000
Oneoto	do	do	660,000
Catawba	Partridge & Perry	New York	480,000
Oneoto	do	do	475,000
Oneoto	Daniels & Smith	do	795,000
Catawba	do	do	795,000

NAVY DEPARTMENT,
March 20, 1868.

Opened this day in our presence, as above.

M. SMITH,
Chief of Bureau Equipment and Recruiting.
THORNTON A. JENKINS,
Chief of Bureau of Navigation.
WM. FAXON,
Assistant Secretary.

NAVY DEPARTMENT,
March 20, 1868.

GENTLEMEN: Your proposal, dated March 17, 1868, for the purchase of the iron-clads Oneoto and Catawba for seven hundred and ninety-five thousand

dollars each, is accepted, and in accordance with the terms of the advertisement you are desired to deposit 20 per cent. of the purchase money, three hundred and eighteen thousand dollars, (\$318,000,) with the assistant treasurer at New York, on or before Tuesday next, sending certificate of deposit to the department. The certificate should state "Proceeds of sales of iron-clads under resolution of February 3, 1868."

Very respectfully,

G. WELLES,
Secretary of the Navy.

Messrs. DANIELS & SMITH,
Box 3345, New York.

[Telegram.]

NAVY DEPARTMENT,
March 25, 1868.

WM. D. RUSSELL, 11 *Bridge Street, Newark, N. J. :*

Highest bidder for Catawba and Oneoto has failed to comply with conditions. If you adhere to your bid, deposit 20 per cent. with assistant treasurer, New York, at once.

Answer by telegraph.

GIDEON WELLES,
Secretary of the Navy.

NAVY DEPARTMENT, *March 25, 1868.*

SIR: This morning the department telegraphed you that the highest bidder for the Catawba and Oneoto had failed to comply with the conditions of the advertisements, and asking if you adhered to your bid; and if so, desiring to have you deposit with the assistant treasurer at New York the 20 per cent. required.

Not having heard from you by telegraph, you are notified by letter that if you desire to complete the purchase, the department must be informed by return mail.

Very respectfully,

G. WELLES,
Secretary of the Navy.

WM. D. RUSSELL, Esq., *Newark, N. J.*

[By telegraph from New York, March 26, 1868.]

To GIDEON WELLES, *Secretary Navy:*

Your notice accepting my bid has just been received. I intend to comply with the terms of your advertisement of February 18.

W. D. RUSSELL.

WILLARDS' HOTEL, WASHINGTON,
March 27, 1868.

SIR: Being informed that the highest bidders on the iron-clad monitors Oneoto and Catawba have failed to make the deposit of 20 per cent., as was

required, and several days having elapsed since the expiration of the time specified for such deposit, I beg to state that I suppose you feel at liberty now to dispose of these vessels in the manner which you may consider most to the advantage of the government. To this end I respectfully submit the following: I will stand by my bid, viz., \$801,000, if accepted to-day or to-morrow; and I will, on the instant of receiving notice of acceptance of this proposition, deposit the funds to the amount of 20 per cent., and pay the balance within seven days.

Believing this will prove the best that can be done with these vessels by you, sir, I trust my offer will meet your favorable view.

Respectfully, your obedient servant,

M. F. MERRITT.

Hon. GIDEON WELLES,
Secretary of the Navy.

P. S.—I conclude to enclose with this as follows: a check on the National Park Bank, of New York, duly certified and payable to your order, and duly indorsed, for \$100,000.

Two checks on the Third National Bank of New York, for \$50,000 and \$25,000—\$75,000—duly certified and indorsed, which you are authorized to retain in the case of your acceptance of my proposal, and to apply on account of the purchase money; and if declined, of course to be returned.

Yours, &c.,

M. F. MERRITT.

NAVY DEPARTMENT,
March 28, 1868.

SIR: Your letter of the 27th instant, stating that you have learned that the highest bidders for the Catawba and Oneoto have failed to deposit 20 per cent. upon the amount of their bid within the time specified in the advertisement, and transmitting certified checks, payable to the order of the Secretary of the Navy, for \$175,000, being something more than 20 per cent. upon your bid for these vessels, and stating that you would stand by your bid if accepted "to-day or to-morrow," has been received.

As there were other bids to a higher amount than that made by you, I shall feel compelled to give a reasonable time to the higher bidders to take the vessels at the prices named by them.

The department would not, therefore, be justified in accepting your tender, and herewith returns the checks.

Very respectfully,

G. WELLES,
Secretary of the Navy.

M. F. MERRITT, Esq.,
Washington, D. C.

NAVY DEPARTMENT,
March 28, 1868.

SIR: On the 20th instant the department opened bids for the purchase of iron-clad vessels, in pursuance of an advertisement dated February 18, and on the same day notified the highest bidder for the Catawba and Oneoto that his bid was accepted. He failed to make the deposit required in the advertisement at the time specified, and the boats having been awarded to other parties, the

remaining bidders were thereby released from any obligation, express or implied, to take the boats at their bids. The department being then at liberty to pursue such course as it thought best on the disposition of the vessels, offered them to the next highest bidder, subject to the same terms and conditions; and although he notified the department that he intended to perfect his bid, he has failed to make the deposit.

The other bidders are now notified that, if they desire the vessels at the prices named by them in their bids, a deposit of twenty per cent. must be made with Paymaster C. C. Jackson, Washington, on or before Wednesday, April 1, at 12 o'clock noon—to be forfeited in case the purchase is not completed—the remainder of the purchase price to be deposited on or before April 8.

Should more than one party make the deposit, the boats will be awarded to the highest bidder, and the amounts deposited by the others returned.

Very respectfully,

G. WELLES,
Secretary of the Navy.

W. J. TERRY, Esq.,
P. O. box 287, New York.

[Same as the foregoing sent to Messrs. Fuentes & Co., New York, care of Messrs. Lewis Johnson & Co., Washington, D. C.]

[Same as above to M. F. Merritt, Esq., Willards' Hotel, Washington, D. C.]

[Same as above to Messrs. Partridge & Perry, No. 126 East Tenth street, New York.]

WASHINGTON, *April 1, 1868.*

SIR: We desire to purchase the two iron-clad vessels Catawba and Oneoto, and make you the following offer for them, viz., we will give you for the two vessels the sum of \$740,000, and which we hope may prove a satisfactory offer. We know, however, that you are by a late law of Congress required to obtain a sum equal to the appraisal put upon them by officers appointed for that purpose. Should this offer, therefore, not equal the sum at which the vessels are appraised, we will and do hereby advance our bid to equal that appraisal. The payments will [be] made in such manner as may be satisfactory to you.

Very respectfully, your obedient servants,

ALEX. SWIFT & CO.

JOHN LENTHALL, Esq.,
Chief of Bureau of Construction.

APRIL 2, 1868.

Respectfully submitted to the department whether this bid at the appraisal be received, being the only one at this time, and whether the guns are to be included in the sale.

Respectfully,

J. LENTHALL.

The Secretary says accept the within. The guns were appraised with the vessels.

NAVY DEPARTMENT, *April 2, 1868.*

SIR: The highest bidders for the iron-clads Catawba and Oneoto having failed to deposit the 20 per centum required by the terms of the advertise-

ment, within the time specified, and all the other bidders having been given an opportunity to take the vessels at their bids, and having failed to do so within the time specified by the department, you are now authorized to sell them at not less than the appraisal as made by a board of officers appointed pursuant to a resolution of Congress, approved on the 3d of February, 1868, viz., Catawba, \$380,000 ; Oneoto, \$375,000.

Very respectfully,

G. WELLES,
Secretary of the Navy.

Naval Constructor JOHN LENTHALL,
Chief of the Bureau of Construction and Repair.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
April 2, 1868.

GENTLEMEN: By authority of the department your offer of April 1, 1868, for the Oneoto and Catawba, at the appraised value, which is \$755,000, has been accepted; and you will please deposit in the treasury, to the credit of the Secretary of the Treasury, as proceeds of the sale of iron-clads, under the resolution of Congress of the 3d of February, 1868, the sum of \$175,000; the certificate of deposit to be handed to this bureau, and the remaining sum to be deposited within a week; when the commanding officer at New Orleans will be instructed to transfer the vessels over to you.

Respectfully, your obedient servant,

JOHN LENTHALL,
Chief of Bureau.

Messrs. ALEX. SWIFT & Co.,
Cincinnati.

NAVY DEPARTMENT,
Washington, April 11, 1868.

SIR: I have the honor to transmit herewith certificates of deposit for \$750,000, being the proceeds of the sale of the iron-clads Oneoto and Catawba. The sale was made under authority of a resolution of Congress, approved on the 3d of February, 1868, in which it is expressly stipulated "that the proceeds of all such sales shall be paid into the treasury of the United States."

Please acknowledge the receipt of the certificates.

Very respectfully, &c.,

G. WELLES,
Secretary of the Navy.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT,
April 14, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of this date, enclosing certificates of deposit No. 7,925, of First National Bank, Wash-

ington, and No. 21,068, assistant treasurer of the United States, New York, on account of sale of iron-clads Oneoto and Catawba.

I am, very respectfully, your obedient servant,

J. F. HARTLEY,
Assistant Secretary of the Treasury.

Hon. GIDEON WELLES,
Secretary of the Navy.

NAVY DEPARTMENT,
Washington, April 16, 1868.

SIR: In compliance with the requirements of the "joint resolution providing for the sale of iron-clads," approved February 3, 1868, I have the honor to report that I have sold the Catawba for \$380,000, and the Oneoto for \$375,000, both to Alexander Swift & Co., of Cincinnati, Ohio. The entire amount of \$755,000 has been deposited in the treasury, as required by the resolution.

Very respectfully,

G. WELLES,
Secretary of the Navy.

Hon. B. F. WADE,
President pro tem. United States Senate.
Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

APPENDIX B.

R. P.

Ministerio de Estado en el Despacho de Guerra y Marina.

This agreement, made and entered into this 4th day of October, A. D. 1867, between Alexander Swift & Co., of the city of Cincinnati, in the State of Ohio, of the first part, and Colonel Mariano Pio Cornejo, minister of war marine of the republic of Peru, witnesseth:

1st. That the party of the first part, in consideration of the agreement of the party of the second part, herein contained, hereby agree to sell and convey to the party of the second part the two iron-clad steamers, built for the United States government, called the Oneoto and Catawba, and the boilers and machinery, tackle, apparel, furniture, and appurtenances of each of them, by good title and free of incumbrances, for the price or sum of two millions dollars (\$2,000,000) for the whole, payable as follows:

Two hundred and fifty thousand dollars (\$250,000) in cash, and thirty thousand pounds sterling (£30,000) at — days' sight on London, at the date of this contract. For the balance of the said two millions, and for the additional outfit, ordnance stores, as submitted by proposition, a copy of which is hereunto annexed and made a part of this contract, three hundred and forty-six thousand dollars, (\$346,000.) All the said sums to be paid to the party of the first part, and to be estimated in what is known as dollars ("greenbacks") of the United States of America.

For the above residue unpaid the government of Peru hereby agrees to pay

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the same on or before the 22d day of November next, in the city and State of New York—

First. By said sums of money to be paid by the agents of the government of Peru; or,

Second. By accepted drafts drawn by the government of Peru on such houses as Thomas La Chambre & Co., the "Companica Nacional," Gibbs & Co., together with eight hundred thousand dollars (\$800,000) in the Peruvian and Chilian conjoint issue of bonds, drawing seven per centum of interest, and known as the Barrado bonds; all of which shall be placed in the hands of the party of the first part, out of the sales of which, without commission for the sale of the same, the party of the first part shall retain a sufficient amount to fully satisfy and pay the obligations incurred by the party of the second part.

2d. When said ships are ready for delivery it shall be the duty of the party of the first part to inform the minister of the republic of Peru in the United States of the same, and then deliver said vessels to the agents of the government of Peru, either in New Orleans, on the coast of the Gulf of Mexico, in Mexico, or on the high seas, as the party of the second part may direct, within a reasonable time thereafter. Should the party of the second part prefer to have said vessels delivered on the high seas or in any part of the Gulf of Mexico, in Mexico, then and in that case the government of Peru are to pay in addition to the above sums \$100,000 for each of said vessels upon delivery as aforesaid. But it is expressly understood that all peril of the sea for said vessels must be borne by the government of Peru. Should the government of Peru prefer to keep said vessels in the port of New Orleans after the readiness for delivery as above expressed, all risk and expense must be borne by the government of Peru; but said vessels may still remain under the name of the party of the first part.

3d. Each party hereby agrees with the other that the sale will be and remain a profound secret, and that neither they, their agents, nor their officers will divulge the same.

4th. The machinery, the engines, turrets, and pumps are to be put in good working order by the party of the first part, and tried, if desired, by the party of the second part, at the wharf at New Orleans, for 48 hours, or 24 hours at said wharf, and 12 hours under way, as the party of the second part may prefer.

5th. The party of the first part shall supply with said vessels to the party of the second part the same number of boats and the same articles generally as were delivered to the government of the United States by the party of the first part at New Orleans, Louisiana. Said vessels shall be ready for delivery in a reasonable time after the payment of said money in the United States as above specified, and the certificate of a naval officer appointed by the party of the second part states that the ships are in accordance with the specifications of this contract. Should the officer appointed by the party of the second part and the party of the first part not agree, then the party of the first part shall select an officer; and if they do not agree, both shall select a third, and the decision shall be binding. Should there be a dock in New Orleans capable of receiving said ships, and said officers should so desire, said ships shall be placed in the dock for inspection by the party of the first part, and said party of the first part agrees with the party of the second part that the vessels are in as good order, as nearly as may be, as when delivered by the party of the first part to the United States Navy Department, the effects of time, weather, and water excepted. The certificate of said officer or officers shall be received by the party of the second part, as, and shall be, conclusive evidence that the party of the first part have performed their part of this contract. The ordnance and ordnance stores are not embraced in this contract except as specified in the proposition of \$346,000 heretofore referred to.

7th. The party of the first part agrees with the party of the second part that

satisfactory or good security shall be given to the acceptance of the minister of Peru in the United States on or before the 22d day of November next.

8th. In consideration of the foregoing agreements of the party of the first part, which are all assented to by the parties of the second part, agrees with the parties of the first part to purchase of them the said two vessels and the property above specified upon the terms and conditions herein contained. This contract is executed in English and Spanish languages in triplicate.

In witness whereof, the parties to this agreement have put their hands and seals the day and year first above written.

It is further agreed that should any difference of opinion in regard to the right of the parties arise, it shall be settled by private arbitration. Said £30,000 sterling shall not be delivered at the date of this contract, but with the other securities, in New York aforesaid.

[SEAL.]
[SEAL.]

MARNO. PIO CORNEJO.
ALEX. SWIFT & CO.

R. P.

Ministerio de Estado en el Despacho de Guerra y Marina.—Supplies.

Agreement made this 4th day of October, 1867, between Alexander Swift & Co., of the city of Cincinnati, State of Ohio, of the first part, and Colonel Mariano Pio Cornejo, minister of war and marine of the republic of Peru, on and in behalf of said republic, witnesseth:

That the party of the first part, in consideration of the agreements herein contained of the party of the second part, agree with the party of the second part to furnish and supply to the party of the second part, at such times and places as hereinafter specified, the following articles namely: Four (4) XV-inch guns, such as were used by the United States government during the late war; 50 breech-loading muskets; 600 rounds of shot and shell, such as used by the United States government; 700 rounds of powder, necessary musket powder; all ordnance stores which were required by the government of the United States on these vessels; provisions, stores of all kinds of food for 180 men for six months, such as used in United States vessels; but supplies for officers are not included in this agreement; uniforms for 180 men; naval stores, cordage, paints, oils, and engine tools, for the voyage; 500 tons anthracite coal.

The foregoing articles are to be supplied, furnished, and delivered, one-half of each kind on board of each monitor recently sold to the party of the second part, by Alexander Swift & Co., in New Orleans, provided that the party of the second part so elect, or on board a vessel in New York, should he so elect. Such election shall be made when asked for by party of the first part, except the XV-inch guns, and these shall be delivered, two thereof on board said monitors, unless otherwise agreed by party of the first part, for the sum of \$346,000, to be paid as follows: \$30,000 on signing the contract, and the balance from time to time in amounts equal to the value of said articles, ready for delivery when the party of the first part shall notify the party of the second part that articles hereby agreed to be furnished to the value of \$10,000 or upwards are ready for delivery, until the whole sum of \$346,000 shall be paid; but none of said articles are to be delivered by the party of the first part until payment therefor has been made. Should the party of the first part notify the party of the second part, at any time, that the guns now on board the said monitors are to remain there, and to be the guns above agreed to be delivered, and which guns are satisfactory to the party of the second part, there shall be paid to the

party of the first part \$40,000 of the said \$346,000, immediately on such notice being given. And the party of the first part, for the consideration aforesaid, further agrees with the party of the second part, in addition to the articles already named in the agreement, to put on board of such vessel or vessels, at the city of New York, as the party of the second part shall furnish for such purpose, 200 shot and shell, also 2,500 tons of good anthracite coal, for said price or sum, \$346,000. And the party of the second part, in consideration of said agreements of the party of the first part, agrees with the party of the first part to furnish the vessels necessary for the reception and transportation of these articles, during the months of October and November, of 1867, and to purchase and receive the articles above agreed to be furnished by the party of the first part for said price or sum of \$346,000, and to pay that sum therefor as above provided; and it is mutually agreed between the parties hereto, that said articles shall all be furnished during the months of October and November, of 1867, if practicable.

In witness whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.

The payments in this agreement are to be made in accordance with the original contract hereunto annexed, and not as stated herein.

MARIANO PIO CORNEJO. [SEAL.]
ALEXANDER SWIFT & CO. [SEAL.]

TESTIMONY.

APPENDIX C.

NAVY DEPARTMENT,

Washington, May 8, 1868.

GIDEON WELLES sworn and examined.

By Mr. EDMUNDS:

Question. Is the joint resolution approved February 3, 1868, "providing for the sale of iron-clads," the authority under which you sold the iron-clads Oneoto and Catawba?

Answer. Yes, sir.

Q. At what time did you first advertise the sale of those vessels, and in what papers?

A. I cannot name the papers, nor can I name the date. We commenced advertising as soon as the board was appointed.

Q. Does the bundle of manuscript which you had prepared for the committee, and which I now show you, contain a copy of the correspondence and proceedings relating to the sale of these vessels?

A. I believe it includes everything in the department on the subject.

Q. Do you know in what papers you gave public notice of the sale?

A. I do not recollect them now, but I can furnish you with a list of them. It was advertised in the two papers here, and in Boston, New York, and Philadelphia.

Q. In the copy of the advertisement contained in these papers, the date is given as February 18, 1868.

A. Yes, sir; a copy of the advertisement is contained in the papers you have. That advertisement included these two vessels among others.

Q. Pursuant to that advertisement, how many bids did you receive?

A. All those that are stated in the paper furnished to you. I ought, perhaps, to say in relation to this matter, that the whole of it has been in the hands of the Assistant Secretary and the naval constructor, Mr. Faxon and Mr. Lenthall. Mr. Faxon has had charge of the details and the money part of it.

Q. When the bids were opened, as it would appear from this paper that they were on the 20th of March, were you informed of the nature and amount of the bids, and the parties who had made them?

A. They were all brought to me, of course.

Q. Who is Mr. M. F. Merritt, whose name appears in this table at the head of the list of bidders for the Oneoto and Catawba?

A. M. F. Merritt is a gentleman who lives in Stamford, Connecticut, a merchant in New York, who built some vessels for us during the war.

Q. Are you acquainted with him personally?

A. Yes, sir.

Q. Is he a relative of yours?

A. No, sir.

Q. Of your wife?

A. No, sir.

Q. Of Mr. Faxon?

A. No, sir. He is no connection of mine more than of yours, that I know of.

Q. Was Mr. Merritt here himself in respect to the purchase of these vessels?

A. I am not sure whether he was at that time, but he is here a great deal. He has been here a good deal this winter, and he was interested in trying to get two of these vessels.

Q. These particular two?

A. I believe so.

Q. Do you know for what purpose he wanted them?

A. I do not.

Q. Did he not communicate that?

A. No; I only knew, generally, that no private party would buy these vessels except to dispose of them to some foreign government. The vessels could not go into general competition.

Q. I understand you did not at any time learn from him for what purpose he wished to obtain them?

A. No, sir; not from him nor from any other of the bidders in this transaction, that I recollect. There had been, during the war, applications from foreign governments and agents of foreign governments, some of whom I have known; but on this advertisement I did not learn anything of that kind.

Q. Have you had any conversation with Mr. Merritt touching these vessels on or since the 20th of March last.

A. I do not know that I ever had any conversation with him on the subject. I do not recollect that I had. I knew he wanted to get the vessels. I think Mr. Faxon told me he wanted them, and I know he was about here.

Q. Who were Fuentes & Co., of New York?

A. I cannot tell. I have only seen the name. I do not know who they are.

Q. Who is W. J. Terry?

A. I do not know. I never asked. I know there were Terrys in New York, merchants from Hartford; but whether this person was one of them or not I do not know.

Q. Do you know William D. Russell, of Newark, New Jersey?

A. No, sir.

Q. Do you know Partridge and Perry, of New York?

A. I do not.

Q. Do you know Daniels and Smith, of New York?

A. I do not.

Q. Mr. Merritt bid \$801,050 for both vessels?

A. I think that was the sum. I recollect it because he tried to come in after the first bidder was rejected and make a deposit of checks to a certain amount if he could have priority beyond others.

Q. Fuentes & Co. bid \$1,025,000 for the two vessels, did they not?

A. I have no doubt of it if the table before you says so.

Q. And W. J. Terry bid \$425,000 for the Catawba and \$425,000 for the Oneoto, making \$850,000 for the two?

A. Yes, sir; if it is so stated there.

Q. And William D. Russell bid \$660,000 for each, or \$1,320,000 for both?

A. Yes.

Q. And Partridge and Perry bid \$480,000 for the Catawba and \$475,000 for the Oneoto, or \$955,000 for both?

A. If it is so stated there. I have no doubt the table is correct.

Q. And Daniels and Smith bid \$795,000 for each vessel, or \$1,590,000 for the two?

A. Yes, sir; if the table so states.

Q. After these bids were opened, whom did you notify of the state of the bids?

A. We notified the first party—the party offering the highest price.

Q. That was Daniels and Smith, of New York.

A. I do not know now. Mr. Faxon will know all about that. He brought me this list, and I said, "The highest bidder, of course, whoever he might be, should have the vessels."

Q. Did you notify any of the other bidders at that time?

A. Not at that time. That was not the practice. They would not be entitled to anything if the first parties chose to take the vessels.

Q. Did you hear anything from Daniels and Smith after you notified them?

A. After waiting a certain number of days, we offered the vessel to the next highest bidder.

Q. How many days did you wait?

A. I think three days. We considered that sufficient with usual mail facilities. We telegraphed the next morning.

Q. I find in these papers a letter from your department, signed by you, dated March 20, 1868, addressed to Daniels and Smith, notifying them that they were the highest bidders, and requiring them to deposit 20 per cent. of the purchase money with the Assistant Treasurer at New York "on or before Tuesday next." Do you remember how long it was before you addressed yourself to anybody else?

A. I cannot recollect now; but the letter sent, or a copy of it, is in the papers you have.

Q. Was not the next paper a telegram to Mr. Russell?

A. It was.

Q. You heard nothing at all from the highest bidder, Daniels & Smith, before you communicated to Russell on the 25th of March?

A. Nothing.

Q. You received no communication from them?

A. None in any form. We made some inquiry to ascertain if there was such a firm, and we could not ascertain that there was. We supposed it to be a fictitious firm.

Q. Have you not ascertained since that there was such a firm?

A. Never. I do not recollect anything of them. There are sometimes "shyster" bids as we call them, and I supposed very likely these were of that class. One person came to see me in relation to the matter, whose name is not on the list. I supposed he wanted to get \$5,000 or \$10,000 out of whoever bid successfully. He appeared for some of the parties, I suppose.

Q. Who is he?

A. Captain Comstock, of New York. I do not know that his name appears among the bidders, but he has been in some operations.

Q. You have reason then to believe that this bid of Daniels & Smith was a fictitious bid, that there were no such parties?

A. We rather thought so. From any inquiry we made we could not ascertain that there was such a firm.

Q. Is that your present belief?

A. It is.

Q. Having telegraphed to Russell on the 25th of March, on the same afternoon you wrote him a letter, as appears by these papers?

A. Yes, sir; we notified him by mail, also.

Q. In that letter you required him, if he chose to adhere to his bid, to deposit, with the assistant treasurer at New York 20 per cent. at once, as stated in the telegram. Did you get any response from Mr. Russell?

A. I do not recollect that we did.

Q. Did you take any method to ascertain whether he was a man of straw, or a fictitious man?

A. I cannot recollect now. Mr. Faxon had the details of the bids. The correspondence went through him, but it was all brought to me, and I knew the state of the case.

Q. You do not remember anything about this Mr. Russell at all?

A. I do not. I cannot distinguish between the different parties. I cannot say whether we heard from him or not.

Q. I see among these papers a telegram from New York, dated March 26, 1868, addressed to you, purporting to be signed by W. D. Russell, stating that he has received your notice accepting the bid, and that he intends to comply with the terms of your advertisement of the 18th of February. The advertisement of the 18th of February, as to the deposit of the money, required it to be within three days after the notification of the acceptance of the proposal. On the 26th of March, Mr. Russell telegraphed you that he had received your notice accepting his bid, and that he would comply with the terms?

A. One of the parties, I do not recollect who it was, sent a telegram of that kind.

Q. It appears from these papers that it was Russell. Did you hear anything more from him?

A. It strikes me that I heard in relation to him that, after that promise, he attempted to negotiate with some parties to know whether there were other vessels of the same class, which satisfied me that he was a shyster.

Q. How did you get this information?

A. I cannot tell you, but I presume from Mr. Faxon.

Q. Did you receive, or did your department receive, any further communication from Mr. Russell in writing?

A. I do not recollect that we did.

Q. Or from any person on his behalf?

A. As I said, Captain Comstock, a celebrated man in New York, who commanded the Baltic, spoke to me one day. I met him at the door as I was coming in, and he wanted to know in relation to these vessels, and what time there would be, and whether there were others of the same class, &c. It was evidently a "feeler" on his part.

Q. Did Captain Comstock profess to represent Mr. Russell?

A. He did not tell me whom he represented. His name did not appear. I knew he appeared for certain parties that wanted to make inquiries.

Q. Did you receive any communication, in writing or otherwise, from any person professing to come in behalf of Mr. Russell, after the 26th of March?

A. I say I do not recollect of any but Comstock, and Comstock was evidently acting for some one, I did not know who.

Q. Did he profess to you to act for some one?

A. No; he did not tell me whom he was acting for.

Q. I understand that; but do you mean that, after you received this despatch from Mr. Russell on the 26th of March, you received no further communication of any kind from him, or from any person who professed to act for him, about the business?

A. I have no recollection of any; I cannot state whether it was Russell who said he would deposit within three days and did not; one of the parties was in that condition.

Q. At what time of day on the 26th of March did you receive this despatch from Mr. Russell?

A. I do not know that I can state the time of day.

Q. Have you the original despatch?

A. The despatch on its face, I see on examination, appears to have been received at 11.30 a. m.

Q. Is there anything on the face of the bid of Daniels and Smith which would lead you to suppose that the persons were fictitious personages?

A. Nothing.

Q. It is in regular business form, is it not?

A. It is in regular business form.

Q. Giving the address of the writers?

A. Yes, sir ; a large portion of our bids are more or less fictitious ; something was said by Mr. Lenthall about some of these being shyster bids when they were brought in ; that is, bids intended to speculate out of the real bidders.

Q. It appears from these papers that on the next day after you received this despatch, on the 27th of March, 1868, you received a communication from M. F. Merritt, dated at Willard's hotel, Washington, on the subject ?

A. Yes, sir.

Q. Do you remember that circumstance ?

A. I recollect receiving one with an enclosure.

Q. Enclosing checks for \$175,000 ?

A. Yes, sir.

Q. That was the next day after you had received this notice from Mr. Russell ?

A. The date will show ; I do not recollect the date.

Q. You received the letter on the day it was dated, it being dated Willard's Hotel ?

A. I probably did unless it came in very late ; he might have dated it that date and I not get it till the next morning ; the original letter will show because we stamp on letters the date of their receipt.

Q. Did you see Merritt himself that day or the next morning ?

A. I have no recollection of seeing him ; I cannot tell what days I have seen him and what days I have not seen him.

Q. Have you any recollection of having seen him after the 27th of March, after the date of this letter of his enclosing \$175,000 ?

A. No, sir ; I cannot say that I have.

Q. You have no recollection of either having seen him or having had any conversation with him ?

A. I never had any conversation with him in relation to the deposit of the proposition of his, I am very confident.

Q. Did you ever have any conversation with him touching these vessels ?

A. I do not recollect that I had.

Q. Or touching the amount he had originally bid for them, \$801,050 ?

A. I do not remember that I have ever had any ; since this inquiry was up I think I said something to him at one time—" here is a proposition in a matter in which you are concerned ?"

Q. This letter of Mr. Merritt of the 27th of March proposed to stand by his bid of \$801,050, did it not ?

A. If it was accepted forthwith.

Q. " If accepted to-day or to-morrow" is the language of his letter ?

A. Yes ; he would stand by it if accepted within a certain time I remember ; I said to Mr. Faxon, " We cannot interfere with what may be fair bids of others ; this is a proposition to step in."

Q. The letter of Mr. Merritt says that he will stand by his bid of \$801,050 " if accepted to-day or to-morrow," and it enclosed \$175,000 in checks, which was in excess of the 20 per cent., was it not ?

A. Yes, sir ; but I did not compute it, because I said to Mr. Faxon, " We cannot interfere in this way ; it will be just as good for him a few days hence."

Q. On the 23th of March, the next day, you wrote him a reply, did you not ?

A. Yes, sir ; it is in the papers you have.

Q. And in that reply you state to him that you have received his letter, and as there were other bids to a higher amount than that made by him, you would feel " compelled to give a reasonable time to the higher bidders to take the vessels at the prices named by them," and that, therefore, the department " would not be justified in accepting your tender, and herewith returns the checks ;" I understand you to say that down to the time of writing this letter you had no conversation with Mr. Merritt touching this transaction ?

A. I have no recollection of ever having passed a word with him on the subject save in writing.

Q. On the 28th of March you had not yet heard anything further as to whether Mr. Russell would deposit and stand by his bid or not?

A. No, sir; that was all the communication we had from him.

Q. On the same day, the 28th of March, it appears that you addressed a general letter to various of these bidders, to wit: W. J. Terry, Fuentes & Co., M. F. Merritt, and Partridge & Perry, in which you state the fact that bidders above them had failed to comply, and that "the department is at liberty to pursue such course as it thought best in the disposition of the vessels," and offered them to the next highest bidder, Mr. Russell, subject to the same terms and conditions, "and although he notified the department that he intended to perfect his bid he has failed to make the deposit." This was on the 28th of March. Why did you issue such a notice to these lower bidders on the 28th of March when the time within which, by your advertisement of the 18th of February, Mr. Russell was to make his deposit had not expired?

A. He would have had priority of course if he had made his deposit.

Q. I did not ask you what he would have had, but why it was that you issued such a notice to these other parties before his time was up?

A. He had priority of all the other parties; if he said he would accept he would still have priority; but the time was running out and I wanted to get the highest price I could, and this movement of Mr. Merritt stimulated us. These men all knew what the bids were; they were all open, and I thought, therefore, we had better call on them to make a deposit, and tell them that the highest bidder who made a deposit would be entitled to the vessels.

Q. And you had no other motive than that which you now state?

A. None other. We wanted to catch the highest bidder who would put in his money. Then Mr. Merritt had put in a proposition to be acted on within a certain time, which was cutting under others above him, and I did not feel that we should be justified in that.

Q. And so on the same day you sent back Mr. Merritt's \$175,000 to him with his bid of \$801,000, and you also sent him another letter in which you stated that the bidders not having come to time the department was at liberty to dispose of the vessels as it deemed best, and you thereupon tell him that if he desires the vessels at the prices named by him in his bid, and will deposit the money with Paymaster Jackson in Washington, on or before Wednesday, April 1st, at 12 o'clock noon, he can have them?

A. Yes, if that is the letter; you have it before you; I cannot fix the dates.

Q. How did it happen that on the same occasion and by two letters sent at the same time to Mr. Merritt, you should have sent him back his money and told him he could not have the vessels on his bid, and also stated to him that if he would deposit a sum of money, apparently with Mr. Jackson, on or before the 1st of April, he might have them?

A. I do not know; we may have stated it stronger than it should be. I do not recollect now the whys and the wherefores, but time was running away, and we were going to lose the highest bids, if they were bids in good faith, unless something was done.

Q. But you had \$175,000 from Mr. Merritt that very day when you sent him these two letters—the one returning him his money and telling him you could not accept his deposit, and the other telling him that you could and would accept his deposit if he deposited it before the 1st of April with Mr. Jackson?

A. Well, I cannot say in relation to that.

Q. Are you quite sure that on that day or at any time between that and the 1st of April, at noon, you did not see Mr. Merritt and talk with him about this subject?

A. Quite positive.

Q. Do you remember whether he was in the department or not during that time?

A. I do not.

Q. Did Mr. Faxon say anything to you during this period of time between the 26th of March and the 1st of April about it?

A. I do not recollect that he did. All of this matter went pretty much through Mr. Faxon. We talked it over that these bids were running out, and that we must get some of the bidders to deposit and hold on to them, and we rather hastened matters to get these bids.

Q. And so in order to get Mr. Merritt to deposit you sent him back his money?

A. No, we did not send him back his money to get his deposit, but we could not accept his offer if any of the other higher bidders would make good their offer.

Q. Having sent this circular letter on the 28th of March, which was Saturday, you gave notice that the deposits must be made by the next Wednesday noon?

A. I do not recollect the dates, as I have said. Does not that offer which was sent out generally to them state that a preference would be given to the highest bidder?

Q. Yes; I think it does, but I am now on this point—

A. Excuse me; you asked the reason why, and I was telling you that I thought that qualification was put in that preference would be given to the highest bidder.

Q. Very well; but you required by this letter of the 28th of March that the 20 per cent. must be deposited with Paymaster C. C. Jackson, at Washington, on or before Wednesday, April 1st, at 12 o'clock noon. This notice was on Saturday. Did you expect that on sending that notice by mail to these gentlemen who supposed their bids were off, not having been accepted before, Mr. Terry, or Fuentes & Co., or Partridge & Perry, would be able to make their arrangements, and raise their money and get it over by Wednesday noon if they wanted the vessels?

A. I probably thought they would if they were going to, but most likely I thought they were fictitious bids, or bids not to be made good; that parties had bid high to see if they could not sell out.

Q. If you thought they were fictitious bids why did you go to the trouble of sending notice to the fictitious bidders?

A. Because I might be mistaken.

Q. If you might be mistaken, why did you not send notice to Daniels and Smith?

A. They were the highest bidders, and had declined, or had not fulfilled.

Q. At what time, by the course of mail, would a communication from you here, mailed on Saturday we will say, reach the New York post office?

A. Next morning.

Q. Sunday is not a business day in New York, as we all understand. Then the persons to whom these letters were addressed, if they went to the post office regularly each day, would receive this notice for business purposes on Monday morning, would they not?

A. They would, without they might get it on Sunday.

Q. You would not expect gentlemen to go about on Sunday endeavoring to raise \$300,000?

A. No, of course not.

Q. Then, having sent these letters on Saturday, you understood that in the course of business these New York gentlemen, if they attended the post office regularly, would receive the communication on Monday for business purposes, and you required that they should have the money here with Mr. Jackson by noon on Wednesday. That was just two days. Why did you not require

them, as you did on the previous occasion, to make their deposits with the assistant treasurer in New York?

A. It required a good deal of correspondence. If we had notice from Partridge and Perry, or any of them, by telegraph, that they would deposit the money there, I suppose it would have done, but our object was to get the best price we could at the earliest moment before the matter ran out.

Q. But was it any easier to get money from New York over to Washington quick than it was to get it into the assistant treasurer's hands at New York?

A. No; but I supposed if they had a correspondence with us, and said they would deposit the money, we would receive a deposit in New York.

Q. Suppose you had said in your letter, just as you said in your former notice, that the money for these New York bids should be deposited with the assistant treasurer, Mr. Van Dyck, where would have been the difficulty?

A. They might have said they would deposit with Mr. Van Dyck and not deposit, as Mr. Russell said he would deposit but did not, and that would occasion delay and carry it over.

Q. Would they be any more likely to say they would deposit with the assistant treasurer and not do it, than to say they would deposit with Jackson and not do it?

A. We required a deposit with Jackson. When I come to think now, I believe Comstock was here on that Wednesday morning. So far as I can recollect now, it was just at the close of this matter. It might have been Tuesday or Wednesday. He was here evidently as the agent of some of these people.

Q. Do you know at what time this letter was mailed on Saturday, the 28th of March?

A. Our letters are all mailed to go in the mail of the day they are written. We have an understanding with the post office that they keep the mail open to receive our letters on the day they are sent. We generally send them from here about half-past three o'clock, and they go out in the evening mail and get to New York next morning.

Q. Having sent out this circular letter, did you hear any thing by way of letter or telegram in response from either of the parties to whom it was addressed?

A. Nothing whatever, I think, then or since, excepting always the matter of Captain Comstock.

Q. But, leaving him aside, because you say he did not pretend to represent any of these persons, did you hear from any one else?

A. He did not tell whom he was here for, but I supposed he was interested in the matter. Perhaps Mr. Faxon knows whom he represented. I have no recollection of having received any communication from any of the parties to whom the letter of the 28th of March was addressed.

Q. Did you have any communication by word of mouth with any of these parties after the 28th of March?

A. Never, except Comstock. I may as well say here that he is the only person I recollect conversing with or saying a word to me in regard to these vessels under advertisement. There were applications from several parties after the sale of the Dunderberg, or relinquishing the Dunderberg to Mr. Webb, who built her, and the Quinnebaug to Messrs. Quintard, Swift & Co., and certain other parties applied to the President to know whether they could retain the vessels built by them on the same terms. The President referred the matter to me, and it was brought up in cabinet meeting, and we concluded that we would let them have them on the same terms. Foreign governments were endeavoring to make purchases, and undoubtedly went to parties who had built the iron-clads, as they had gone to Mr. Webb and Mr. Quintard in their cases. These builders applied to know whether they could reclaim their vessels on paying

what the government had paid them. Nothing was done, however, until Congress came together and adopted the joint resolution of February 3d.

Q. Are you able to remember whether or not some person applied to you after the 28th of March and before the 1st of April in behalf of Partridge and Perry, the parties who had bid \$955,000 for the two vessels.

A. I have no recollection. I do not recollect that any person ever called on me except Comstock.

Q. Do you know a gentleman in New York named W. F. Stocking?

A. No, sir; I do not.

Q. Did he, or any other person who represented himself to be the agent or attorney of Partridge and Perry, call on you and see you in your room in this building on the 30th or 31st of March?

A. I do not recollect it.

Q. See if what I read from the paper in my hand will refresh your recollection: "It being necessary that I should have this information," (he refers to knowing what the state of the bids was in the interest of his clients, Partridge and Perry,) "I went at once to the office of the Secretary, the Hon. Gideon Welles, and repeated my request in a respectful manner." That request, he states, in a prior part of the letter, to have been an opportunity to inspect the papers about this notice which his clients had received from you, that there were various parties bidding, and each one might deposit his money, and if the others did not take he would have a chance, "and he refused to give me any information whatever, and asked why I desired the information. He again declined after hearing my explanation, and finally, as I was leaving his office, said that I might send a request for such information in writing and he would consider it. I said that I feared such a course would not enable me to receive a reply in time, as it was then after 3 o'clock p. m., on the 31st, and the deposit of 20 per cent. must be made, according to the notice received by us, at 12 o'clock m., of the next day." Does that recall any thing to your recollection?

A. I recollect since you have read that that some person—I thought it was a person here in Washington—called and wanted to examine the bids. I told him they had been opened and the parties knew what they were. He said he wanted to get copies of them, or something of that kind. I said, "Make your application in writing and tell what you want." He wanted to know something further about the terms, &c. Said I, "Make your application in writing and I will answer." He stepped out, and as he stepped out said he would make that application, and I never saw him afterwards.

Q. Are you able to remember now whether he professed to be acting for any party touching this very matter of getting these vessels on some of these bids?

A. I supposed it was some person here; a claim agent or broker, acting for certain parties, probably those who had been bidders.

Q. Do I understand you to mean now that you do remember or that you do not whether this gentleman professed to be acting for Partridge and Perry?

A. I do not recollect that he stated whom he was acting for, and I do not know but that he did. I had the impression that he was a claim agent or broker here who wanted to examine certain papers. I told him to make the application in writing.

Q. You would not be willing to say, I suppose, that Mr. Stocking did not represent to you that he was the attorney for Partridge and Perry, who wished to comply with your notice of the 28th of March?

A. I would not say that he did not. I only state my impression now. Since you speak of it, I recollect some person coming in.

Q. Do you remember his replying to you, when you told him to put his application in writing, that he feared such a course would not enable him to receive a reply from his clients in time, as it was then after 3 o'clock of the 31st of March?

A. No, sir; I do not know that he said that. I do not recollect that he said that.

Q. Do you know that he did not.

A. I do not know that he did not. I know that my impression was that he would step into the clerk's room and write his application and have it answered at once, but I saw nothing of him since.

Q. Do you remember, before he went out and after whatever reply he made to your statement as to putting his application in writing, some further conversation, in the course of which he asked you the question if he was to understand you as refusing to give him the desired information in that matter, and that you replied "That is it, exactly?"

A. No, sir.

Q. You are sure you did not say that?

A. I am sure I did not say that. I am not very apt to make promises or give positive refusals. When matters of this kind come up I always prefer that they shall be made in writing. And I always give my answer in writing. That is what I presume operated upon my mind when I said "Put your application in writing."

Q. Now, recalling so much of this transaction from what I have read to you, will you tell us whether your recollection is refreshed on the question whether Mr. Merritt was about the office at that very time?

A. I do not know whether he was or not. He may have been.

Q. He is a gentleman with whom you are very well acquainted, is he not?

A. I know him very well, and have for years.

A. Give us the best of your impression whether Mr. Merritt was here that day or not?

A. I cannot give any impression about it, no more than I could if I was asked whether you were in the department that day or not. Mr. Merritt has been in the department a great deal more than you have, however, and I think very likely he may have been here.

Q. Do you know whether Mr. Merritt is a partner in the firm of Alexander Swift & Co.?

A. I do not. My own impression is that he is not. I do not think he is. I never heard that he was, but he may be notwithstanding.

Q. Do you know Alexander Swift & Co.?

A. I do not in any other way than as contractors with the department.

Q. Do you know who the individual members of the firm are?

A. I do not.

Q. Have you any papers in the department which would have any tendency to show who they are?

A. They have built vessels for us and we sold these vessels to them.

Q. When you make contracts with a firm, do you not require to know who the individual members are?

A. We should. Their contracts would be through the Bureau of Construction.

Q. Do you not think you have the means in your department of telling us who the members of the firm of Alexander Swift & Co. are or were?

A. I presume it is in the Bureau of Construction.

Q. Pursuant to your letter of the 28th of March, to which I have already called attention, sent in some form to these various parties, did you receive any deposit under it or in response to it?

A. I do not remember that we did from any others except the parties who bought.

Q. Who were the parties that bought?

A. Swift & Co.

Q. Swift & Co. were not bidders, were they?

A. I do not remember that they were. I cannot tell whether they were or not.

Q. They were not, unless their names are in this list?

A. You have the list.

Q. Their names are not here. Then, under your notice to the various bidders of the 28th of March, requiring a deposit by noon of the 1st of April, you received no response at all?

A. None, that I remember.

Q. And received no communication on behalf of them in any way except from Mr. Stocking, to which your attention has been called?

A. Yes; and whatever there may have been of Comstock's.

Q. Are you acquainted with Alexander Swift himself?

A. No, sir.

Q. Or any member of the firm?

A. Not that I know of. I presume I have seen some of the firm here, but I do not know.

Q. Do you know whether any of them were in Washington on that 1st of April?

A. I do not.

Q. Do you know that they were here at all?

A. I do not.

Q. I see that on this same 1st day of April, when this right to deposit on the part of any of these bidders was to expire, Alexander Swift & Co. addressed a letter to John Lenthall, chief of the Bureau of Construction?

A. Their business has all been with him.

Q. In this letter they say they wish to purchase the two iron-clad vessels Catawba and Oneota, and make the following offer for them:

We will give you, for the two vessels, the sum of \$740,000, which we hope may prove a satisfactory offer. We know, however, that you are, by a late law of Congress, required to obtain a sum equal to the appraisal put upon them by officers appointed for that purpose. Should this offer, therefore, not equal the sum at which the vessels are appraised, we would, and do hereby, advance our bid to equal that appraisement. The payments will be made in such manner as may be satisfactory to you.

That is signed by Alexander Swift & Co., and it is indorsed—

Respectfully submitted to the department whether this bid at the appraisement be received, being the only one at this time, and whether the guns are included in the sale.

Respectfully,

J. LENTHALL.

April 2, 1868.

To which is added:

The Secretary says accept the within. The guns were appraised with the vessels.

W. F.

I suppose the letters "W. F." stand for Wm. Faxon?

A. Yes, sir.

Q. You directed, if this letter states it correctly, that this offer of Swift & Co., made on the 1st of April, should be accepted on the 2d?

A. If that is the date there. I presume the papers before you are entirely correct.

Q. Why did you not take some means to ascertain whether Mr. Merritt, who had been very desirous to get the vessels at \$801,050, and had actually put up \$175,000, would not take them?

A. I do not know why he did not, and do not know but that he did.

Q. I ask why did you not?

A. I do not know but that I did. This was all done through Mr. Faxon, however.

Q. But you say, to the best of your recollection, you had no communication, pro or con, with Mr. Merritt?

A. I had not; but with Mr. Faxon I had.

Q. I asked you a while ago whether Mr. Faxon had stated to you, in the course of this transaction, that he had had any conversation or interviews with Mr. Merritt. If you misunderstood me, please state now whether Mr. Faxon was the negotiator between you and Mr. Merritt on the subject.

A. He was not the negotiator. Mr. Faxon, as assistant secretary, has had this whole matter in charge. Whenever anything substantial came, or any action was necessary, he brought it to me with his views, and I either affirmed them and gave the order or suggested otherwise.

Q. Have you any recollection whether, after the 26th of March and before the 2d of April, you yourself made any effort, or gave any directions to any of your officers to make any effort, to induce Mr. Merritt to take the vessels at his bid of \$801,050?

A. I have no recollection of that. That you may understand the matter, I will state that there are eight vessels of that class, and I do not know that there is \$500 difference between them—the Oneoto and Catawba and six others. We shall be glad to have the parties take the other six off our hands. I should be glad to sell the other six at the same price we have sold these.

Q. But you would rather get \$801,000 than \$740,000?

A. A great deal rather.

Q. How soon after the 2d of April, when Alexander Swift & Co.'s offer of the amount of the appraisal, which was \$755,000, was made, did you receive the deposit from them of the 20 per cent.?

A. The correspondence shows. I do not remember it now, but I think I notified the Secretary of the Treasury.

Q. I find here a letter from you to the Secretary of the Treasury, dated the 11th of April, transmitting the whole amount of \$755,000?

A. There was some preceding correspondence, I think.

Q. Yes, on the 2d of April there appears to be a letter from Mr. Lenthall to Swift & Co., giving them notice that their offer of the 1st of April to take the vessels at the appraised value, \$755,000, has been accepted, and telling them to deposit in the treasury, not with the paymaster, \$175,000 towards the purchase, the certificate of deposit to be handed to the bureau of construction, and the remaining sum to be deposited within a week. That was dated the 2d of April. Did Alexander Swift & Co. deposit the sum of \$175,000, as required by that letter?

A. My impression is that they did.

Q. Have you any means in the department of knowing certainly whether they did or not?

A. Yes, sir, Mr. Lenthall would have it; Mr. Faxon would have it.

Q. Did they pay the balance, \$580,000, within the week required?

A. I presume so. I know it was all deposited in the treasury. The letters before you must show, I think.

Q. All that appears is that on the 11th of April you transmitted the whole \$755,000 to the treasury.

A. It came to Mr. Lenthall, and then came up to me. It might have taken a day or two, one day coming up to us, and one day going to Mr. McCulloch.

Q. If Swift & Co. deposited \$175,000 in the treasury on the 3d or 4th of April, how did they happen to pay you \$755,000, which you sent to the treasury afterward?

A. They made good the condition, I suppose.

Q. But you transmitted on the 11th of April, by your letter, the gross sum of \$755,000, as the proceeds of this sale, and I suppose of course that you did not transmit it unless you received it from them?

A. Of course not.

Q. If you received it from them, how could they have made the deposit of \$175,000 in the treasury according to your recollection?

A. I do not recollect the particular transaction.

Q. The letter of Mr. Lenthall of the 2d of April to Alexander Swift & Co. says, "you will please deposit in the treasury, to the credit of the Secretary of the Treasury, as proceeds of the sale of iron-clads under the resolution of Congress of the 3d of February, 1868, the sum of \$175,000."

A. You will get that more fully from Mr. Faxon. It passed through his hands. I do not recollect the form.

Q. Have these vessels been delivered to Alexander Swift & Co.?

A. I am not very certain that they have been, but my impression is that they have been.

Q. Have you the means of knowing that in the department?

A. Yes, sir. My impression is that they have been passed over.

By Mr. WELKER:

Q. Can you name the agent of any particular foreign government who desired to purchase iron-clad vessels from this government?

A. The ministers of foreign governments applied. Who their agents were I cannot say.

Q. Have you any knowledge as to what government was to get these two vessels?

A. I have not the remotest idea now. I thought at one time it was the Peruvian government, but I have since understood it was not.

Q. Do you know the agent of the Peruvian government who was here trying to buy vessels?

A. I do not. I did not want to know, as I did not in the case of Mr. Webb when he reclaimed his vessel which was sold to France, and Congress authorized it to be given up to him.

By Mr. VAN WYCK:

Q. Did any person call upon you to obtain information as to the purchase of the monitors previous to the advertisement?

A. More than 50, I presume.

Q. Those are the persons you refer to as having called upon you previously?

A. Various persons from New York, Boston, Philadelphia, Washington, &c., applied at different times to know if they could get some of the monitors. I suppose we might have sold a dozen of them, but the course that was taken has rather hampered and perhaps prevented the sale.

By Mr. EDMUNDS:

Q. Do you remember whether Mr. Merritt or anybody else ever applied to you before the passage of the joint resolution of February 3d, touching these two identical vessels, the Catawba and Oneoto?

A. I do not recollect. There may have been.

By Mr. PATTERSON:

Q. Was the deposit of \$175,000 made by Swift in person, or by the agent of the firm?

A. I do not recollect. Mr. Faxon would know all about it, because he really had charge of this more than Mr. Lenthall. He brought it to my knowledge. Mr. Faxon can give you more of the details than I can.

By Mr. EDMUNDS:

Q. Do you know or understand the purpose for which Swift & Co. purchased these vessels?

A. I do not, only the general fact that they must have been bought for some government.

Q. Have you any idea now of your own for what government they bought them?

A. I have not. As I remarked, I had an impression that it was for the Peruvian government, but I have since understood it was not.

Q. You had an impression that it was for the Peruvian government?

A. I had an impression that it might be for the Peruvian government.

Q. How did you get that impression?

A. The Peruvian government tried to buy months ago.

Q. Who applied to you on behalf of that government?

A. I cannot tell you now; but application was made for the Peruvian government, as I understood, and for the Chilian government, for the government of Venezuela, and I think the Turkish and Greek governments, and also the Prussian government.

Q. Confining ourselves to the Peruvian government, have you now said all that led you to believe this purchase was made for the Peruvian government, the fact that you were applied to on behalf of that government some time ago?

A. I had an impression that it was for one of the South American governments, and probably for Peru. We could not sell to Peru.

Q. Why could you not sell to Peru?

A. On account of the war with Spain. We would not sell to any nation that was at war with another nation.

Q. And yet you understood it was really for the Peruvian government?

A. He bid for himself, and ran the risk of it as Webb did on his vessel.

Q. I asked you what you understood the fact to be?

A. I had no understanding about it further than to sell the vessel to Mr. Swift or anybody else that wanted to buy, he running the risk.

Q. At the time these negotiations were going on with Swift & Co., did you understand that they were purchasing the vessels for the Peruvian government?

A. No, sir; I did not understand so. I had the impression, as I would be very likely to talk with Mr. Lenthall, Mr. Faxon, or Admiral Smith, that I might have said "what can they do with these vessels?" and they would say, "why, the Peruvian government have been trying to get them in various ways." This, however, was only speculation among ourselves.

Q. What drew your mind particularly to the Peruvian government instead of the Prussian government, which you say had been also trying to get them?

A. The Peruvians I thought were holding off really for another brush with Spain. That was in my own mind. I never had a word from Swift & Co., or anybody that bought, for what government they wanted them.

By Mr. PATTERSON :

Q. Did the agent of the Peruvian government at any time make an offer for them, or any person acting for that government?

A. No; none of those persons have ever made offers.

Q. What proposition was made?

A. To know if we would sell and on what terms we would sell. As I remarked, several of the contractors who built vessels of this kind, and I think Swift & Co. among the number, applied to know whether they could reclaim their vessels on refunding to the government what the government had paid them. Of course they did not want to take them to keep, but they evidently wanted to sell them to some other government. There were applications of that kind.

By Mr. VAN WYCK :

Q. When any of those agents were applying to you before the advertisement, did you suggest to them that they should see or make inquiry to ascertain—any person outside of the department?

A. Nobody had authority outside of the department.

Q. Did you refer them to any one?

A. I never referred them to any one with this exception. I have on one or two occasions when they have come to speak to me, said, "you can see Mr. Seward." They would perhaps tell me they wanted them for such a government, and I would say "you will have to see the Secretary of State to know whether there are difficulties between that government and others." I think I said that to the Grecian ambassador when he came, that he must satisfy us that there were no hostilities going on between his government and Turkey.

Q. Is the total cost of these vessels stated in the table contained in the papers furnished?

A. That table contains the total cost, the first contract and the extras, making \$621,424 54 for each.

Q. Was that in point of fact the absolute total?

A. That is the absolute cost of these vessels from the books of the Construction Bureau.

Q. Have you any knowledge, information, or belief that they did actually cost the government any more than that sum?

A. I do not think they did.

Q. The guns are put down below at \$13,500 in one case and \$14,000 in the other?

A. Yes, sir.

Q. Who built these two vessels?

A. Alexander Swift & Co., I think, at Cincinnati; but Mr. Lenthall can tell better than I can.

Q. When were they built?

A. They were not completed till the close of the war, about 1865, I should think.

Q. Have they ever been in service?

A. Never.

Q. They have never been in commission?

A. They were at Mound City for a time, and were then taken down to New Orleans.

Q. Have they been cared for since?

A. Yes.

Q. Are they not good as they were when new?

A. Of course not quite as good. The machinery of an iron vessel, &c., deteriorates.

Q. How does machinery deteriorate?

A. It corrodes. Time is bad upon it. I would rather have a new one than one which had been built for ten years.

Q. Did you think these vessels had deteriorated from \$1,242,850 to \$755,000?

A. That was the opinion of the board appointed by order of Congress, and I may say here that for the other six vessels I think the government would do well to sell them at that price.

Q. Is it because they are worth only that much, or because we have no use for them?

A. Both reasons.

Q. What class of service were these vessels designed for?

A. Coast and harbor defence.

Q. Do you think these a class of vessels you do not wish to use, or that we have a surplus, or what is the ground of sale?

A. The war being over and a prospect of peace ahead, we do not want them. They are not vessels adapted to peace. They cannot go on squadron service.

Q. No iron-clad is necessarily adapted to a time of peace, is it?

A. Other governments have gone into the matter of iron-clads. They have

iron-clads in the Pacific, the Brazils, the East Indies, &c.; but we have not, and I do not think we had better go into iron-clads in time of peace for such service. Turret vessels are not cruising vessels. In time of war we should want all we have now, but a few years of peace will render these vessels worthless. My policy, therefore, has been to sell. I was for selling to Webb when a majority of the cabinet were against me. Congress agreed with me to let Webb take his vessel, refunding what the government paid him. So with Mr. Quintard and the Quinnebaug, and I would have said at once, if I could have had my say about it, to each of these men, "If you will take your vessel off our hands and refund the government, take it;" and I would make even a reasonable deduction.

Q. Since these vessels were awarded to Swift & Co., on the 2d of April, have you received any protest or complaint in any form on the part of Mr. Merritt, because they were not given to him at a higher price?

A. No, sir.

Q. He has not complained of the way he was treated about it?

A. I do not recollect any such thing.

Q. Have you ever heard it stated from any person in any way that Mr. Merritt was concerned with Alexander Swift & Co.?

A. I do not know that I have, but I should think it very likely that I might have asked Mr. Faxon if he thought there was any such connection.

Q. What do you say is your recollection on the subject?

A. I do not recollect.

Q. Either way?

A. I do not recollect either way. I think very likely I may have heard it, because it passed through my mind, "why did he want to put in this bid to get these vessels and cut under, and after all not come forward, and if he wants them, here are other vessels of the same class." But to be sure they were not at New Orleans. The reason why I thought the object was for some South American government was that I supposed they would prefer a vessel at New Orleans to a vessel at New York or League Island, equally good. That was one reason why I thought they intended these vessels for some Spanish American government.

By Mr. WELKER:

Q. Where are these vessels now?

A. At New Orleans.

Q. Were they there at the time they were awarded to Swift & Co.?

A. Yes; and that was one reason why I thought it likely that they were intended for one of the Spanish American governments. That, however, was a mere matter that passed through my own mind, knowing what I had known of the offers which had been made before.

By Mr. EDMUNDS:

Q. Did you send Mr. Faxon up to Stamford, Connecticut, anywhere about this period of time?

A. No, sir.

Q. Did he go there, in point of fact?

A. I cannot say. I remember that he lost a relative there who had had charge of his children, and he went up to attend her funeral. I think that was sometime in March, but whether about this precise time or not I cannot tell.

Q. Do you know whether he saw Mr. Merritt on that occasion?

A. I think he told me that he stopped at Merritt's one night, either going or coming.

Q. Did he tell you that Merritt said anything about iron-clads?

A. No, sir.

By Mr. BENTON :

Q. Why did you not retain Merritt's check, giving him notice that he should have the iron-clads unless there were higher bids ?

A. I cannot say why I did not. When it was brought to me, it was brought by Mr. Faxon, I think, and I said "we must act in good faith with each of these persons, though they are not acting in good faith with us." That was my general view : "Let us avail ourselves now of the highest bid by giving notice at once."

Q. But Merritt would have been entitled to the vessels at his bid if there had not been other bids to carry it higher, would he not ?

A. Yes.

Q. Why did you not notify him that you would retain his check, and if the money was not deposited under any of the other bids which were higher, he could have the vessels ?

A. I acted with him as I did with the others. I did not like that method of coming and making an offer. I did not like that process of doing things.

By Mr. PATTERSON :

Q. The return of this money to Merritt, and the issuing of the circular letter of the same date, were both done by your authority ?

A. Yes, sir ; as it was the specialty of Mr. Faxon more particularly ; you can get more details from him ; he saw five persons to my one about the business.

MAY 7, 1868.

WILLIAM FAXON, sworn and examined :

By Mr. EDMUNDS :

Question. You are Assistant Secretary of the Navy ?

Answer. I am.

Q. Does the bundle of manuscript which I hold in my hand, furnished from your office, contain all correspondence and memoranda and writings in the department touching the disposition of the two iron-clad vessels Oneoto and Catawba ?

A. I think it does, everything except what has transpired subsequent to the sale relative to the transfer, which I presumed you would not care about. It furnishes all there is in the department except the order directing the vessels to be transferred to Swift & Co.

Q. And contains copies of all letters addressed to the department, as well as of all written by the department ?

A. Yes, sir ; so far as I know.

Q. Did you have any applications to sell these two vessels prior to the passage of the joint resolution of the 3d of February ?

A. Yes, sir.

Q. From whom ?

A. Swift & Co. I think they are the only ones who named the Oneoto and Catawba. During the summer there were repeated applications to purchase iron-clad vessels from different parties.

Q. When did Swift & Co. apply ?

A. Perhaps I can tell it in a little more connected manner by going back to the early history of the transaction as I understand it. The department had declined to sell iron-clad vessels to any one. I understood from Mr. Welles that this was a cabinet decision, based particularly upon Mr. Webb's application. Mr. Webb had applied for permission to take the Dunderberg, and Mr. Quintard to take the Quinnebaug. Messrs. Secor & Co. and Swift & Co. petitioned the President for authority to take the vessels built by them upon the same terms. That petition was sent to this department for its opinion.

Q. Was that application by Swift & Co. for these two particular vessels ?

A. These two vessels, no others. These were the only vessels they built.

Secor built quite a number. Their petition came from the President to this department for an expression of opinion. The Secretary took the paper with him to cabinet meeting, and when he returned he said that the President and cabinet authorized the builders of iron-clad vessels to take the vessels constructed by them upon their refunding the amount they had received and relinquishing all claims for extra bills. That, by the way, was expressed in the petition as I recollect, as the basis of their application. That petition I have never seen since. I looked yesterday to find it, but was unable to find it. It is not in the department. This must have been within a week or two after Congress adjourned last spring. Mr. Secor was here, and Mr. Ricker, of the firm of Alexander Swift & Co. They engineered the thing themselves. That was the way the matter stood all through the summer. Parties repeatedly applied here for the purchase of boats, and my invariable reply was—what Mr. Welles said I do not know—that the only persons who could take their boats were the builders, under the decision of the President, following the example of Congress, which was supposed to be to relieve them from losses which they claimed they had sustained. Some time during the summer Alexander Swift & Co. wanted permission to put their boats in order. The machinery was down, and it would take several weeks to put them in order. I apprehended that they wanted the permission for another purpose, but at any rate the department said they might do it; but the department would not lose its hold on the boats or oversight over them, and would permit them to make no alteration.

Q. When was that?

A. In the middle of last summer, 1867. I made a memorandum on your letter to Mr. Welles that it was on the 19th of August, 1867.

Q. Have you the correspondence on that subject?

A. I can get it.

The witness having proceeded to his office and returned, laid before the committee the following letter:

NEW YORK, August 17, 1867.

SIR: As the builders of the iron-clad vessels Oneoto and Catawba, we have made a verbal agreement for their sale under authority granted by the department, and in consummation of this bargain we shall want removal of these vessels to some point convenient for making necessary repairs to fit them for sea. We therefore respectfully ask that you will grant us such request, the vessels to remain in custody of the department until paid for in full.

Very respectfully, &c.,

ALEXANDER SWIFT, & Co.
By M. F. MERRITT, Agent.

Hon. GIDEON WELLES,
Secretary of the Navy.

Q. Was Merritt the agent of Swift & Co.?

A. That is the way the letter appeared.

Q. Do you understand it to be a fact?

A. I understand it to be a fact.

Q. Is he concerned in their firm?

A. Not that I know of; I think not.

Q. You never understood that he had any interest except as agent?

A. I do not think he had an interest. He acted as a sort of broker or agent for them, as I understood. I know nothing about it, however. The reply of the department was:

NAVY DEPARTMENT, August 19, 1867.

GENTLEMEN: You are informed in reply to your letter of the 17th instant that the department will permit the Oneoto and Catawba to be taken to a wharf in New Orleans for the purpose of fitting them for sea, upon your depositing satisfactory security for their return in the same or as good condition as when taken, provided the sale is not completed. It is to

be understood that no alterations are to be made in the vessels, and that the custody of this department over them is not to be released until they are fully paid for.

Very respectfully,

G. WELLES, *Secretary of the Navy.*

Messrs. ALEXANDER SWIFT & Co.,
Cincinnati, Ohio.

Q. Where did these vessels lie at that time?

A. At New Orleans.

Q. In their letter they refer to some previous arrangement with the department?

A. That is the verbal understanding which I mentioned. There is no letter of the department to them or to Secor & Co. on the subject.

Q. Is there any memorandum or any kind of writing in the department which relates to any transaction with Swift & Co., touching their having these vessels, prior to these which you have now read?

A. No, sir; not that I know of.

Q. With whom did you have the conversation touching Swift & Co's taking these vessels prior to the writing of these letters?

A. With Mr. Ricker, of the firm of Swift & Co.

Q. Who else composed the firm, as far as you know, besides Swift and Ricker?

A. I don't know. His full name is Gustavus Ricker.

Q. Please restate definitely and exactly what the arrangement which preceded these letters was between the department and Swift & Co., made through Ricker.

A. It was based on their petition to the Executive that they be allowed to take the boats constructed by them upon refunding to the government the amounts they had received and relinquishing all claim for extras, they claiming that they had incurred very large losses in their construction.

Q. You say it was based on that. Was that the arrangement which existed prior to the 19th of August, 1867.

A. The only arrangement that existed was that when the Secretary returned from cabinet meeting they were informed that the President and cabinet had assented. There was never any writing, so far as I know.

Q. How long did that precede the 19th of August, 1867?

A. It must have been in March or April.

Q. Between that time and the 19th of August was anything done by them about these vessels?

A. So far as I know no communication passed between them and us in reference to them.

Q. They say, "As the builders of the iron-clad vessel Oneoto and Catawba we have made a verbal agreement for their sale under authority granted by the department."

A. That authority must have been that verbal, oral understanding.

Q. Was anything said between yourself and Mr. Merritt when this so-called verbal authority was given touching the use or disposition that Swift & Co. desired or intended to make of the vessels?

A. No, sir; I am not aware that I had any conversation at that time with Mr. Merritt about it at all.

Q. Was there any authority given by the department to them, verbally or otherwise, to sell or dispose of the vessels?

A. No, sir. The department said it would relinquish them to them. Of course the department did not suppose they would want to purchase the boats without knowing where they could place them. It was merely to give them an opportunity if they chose to go abroad and sell them.

Q. Do you usually dispose in this department of such important transactions by mere oral agreements and arrangements?

A. No, sir; we should not have disposed of them in that case by an oral agreement. We simply say to a man, "you may have it," and he does not say that he wants it.

Q. But he says that he has made a verbal agreement with you for their sale under the authority granted by the department, and on the consummation of the bargain he will want to remove the vessels. In your reply to that letter you state that the parties may do so and so, but you do not correct what you now seem to understand to be a misapprehension on the part of Merritt as to your having given them authority to make a sale of these vessels.

A. We did not give them authority to make sale. We told them orally that they might take the vessels. I did not suppose they would be foolish enough to take the vessels unless they knew where they could sell them.

Q. But I understand you now to mean that so far as the department was concerned it gave no authority at all, although you might have expected of course that the parties would want to sell?

A. We have never down to this day given them any authority to sell. It does not require our authority at all.

Q. Who made this negotiation?

A. Mr. Ricker.

Q. Where?

A. Here in the department.

Q. Did Mr. Merritt have anything to do with it?

A. Mr. Merritt was not here at all.

Q. Did he have anything to do with it?

A. Nothing whatever. Mr. Merritt appeared as their agent about that time.

Q. Did Mr. Ricker communicate to you in any way what he expected to do with the vessels?

A. No, sir; he did not know himself.

Q. Was there any talk between you as to what he might possibly do with them?

A. The talk was that they were going to try and sell them.

Q. That is pretty general. Was there any more particular talk than that as to the parties to whom?

A. No, sir. I am very confident that I had not even the remotest idea of that.

Q. Or of the prices for which they were to be sold?

A. I am confident they themselves had not the remotest idea of it then. They wanted to see if it was worth their while to make the attempt.

Q. Did Mr. Merritt, when he addressed this letter to the department, produce any authority as the agent of Swift & Co.?

A. No, sir; he did not.

Q. You took it for granted that he had authority?

A. We did; but you will notice that we addressed our letter to Swift & Co.

Q. Were you acquainted with Merritt at that time?

A. I have been acquainted with Mr. Merritt a number of years. He is an intimate friend of mine.

Q. Who is he?

A. He belongs in Stamford, Connecticut.

Q. Is he a relative of yours?

A. No, sir; no connection on earth.

Q. Is he a relative of Mr. Welles, or of either of your families?

A. Not so far as I know, and I am very sure not. I can swear definitely so far as I am concerned, and I never heard, and have no reason to suppose, that he is the slightest connection of Mr. Welles.

Q. Has Mr. Merritt had some transactions on his own account with the department?

A. Mr. Merritt built the monitor Cohoes.

Q. Do you understand or have you since understood how long Merritt had been the agent of Swift & Co. when he wrote the letter of the 17th of August?

A. No, sir.

Q. Have you ever received any notice from Swift & Co. that Merritt's agency in respect to these vessels had terminated?

A. No, sir.

Q. Or from Merritt?

A. No, sir.

By Mr. WILLIAMS:

Q. Did Mr. Merritt appear at that time as the agent for anybody else, or as concerned with Secor, or any one else?

A. Yes, sir, he did.

By Mr. EDMUNDS:

Q. On the 17th of August, 1867?

A. As early as that, certainly. I know that he was negotiating to try and sell Secor's boats.

Q. Negotiating how—with you?

A. I heard he was negotiating with other parties.

Q. On this occasion, the 17th of August, did he purport to represent anybody else besides Swift & Co?

A. I do not think he did.

Q. Was he here personally, and did he deliver this letter himself?

A. No, sir; it came by regular course of mail?

By Mr. WILLIAMS:

Q. Did he have any correspondence with the department as the agent of any other firm about this time?

A. I do not recollect. I think not.

By Mr. EDMUNDS:

Q. Have you at hand the original letter of Swift & Co. proposing to take these vessels, a copy of which is in these papers?

A. I can get it.

Q. In whose handwriting is that?

A. It is either in Swift's or Ricker's. I am very sure it is not in Mr. Merritt's handwriting. [The letter was sent for and obtained.] On looking at it I do not recognize the writing. It looks like Mr. Ricker's, though I am only acquainted with his signature.

Q. Did you see any person in connection with this letter of the 1st of April, 1868?

A. No, sir.

Q. It appears to be dated at Washington.

A. Yes, they were here at that time.

Q. Was Swift here, and Ricker also?

A. Both were here.

Q. And Merritt?

A. Yes; Mr. Merritt was here.

Q. Were they at your office together?

A. No, sir.

Q. Never?

A. Not that I know of. They may have been.

Q. You can now proceed with the narrative which you were giving.

A. After this authority was given in the summer of 1867, we heard nothing from the parties. I heard incidentally through Mr. Merritt that the sale they contemplated had been broken up, but I knew nothing about it. At all events,

when Congress assembled no sale had been made, and there were no further movements towards a sale so far as I know. Mr. Welles then, after Congress assembled, in speaking of iron clad matters said, "we had better try to get the authority of Congress because," as he expressed it, "they may find fault with us somehow." So there was a resolution drawn up. I spoke to Mr. Pike about it myself, and a resolution was drawn up here at the Department and submitted to Mr. Pike.

Q. Did that become a law?

A. No, sir. The object of it was simply to legalize what the President and cabinet had authorized.

Q. And for which, as you understood, there was no authority of law?

A. The authority of law is that the President can sell a war vessel whenever he directs. There is authority of law for the President's selling war vessels. But we thought we would get a special law covering the iron clads.

Q. Why was that necessary? An iron clad is a war vessel, is it not?

A. I should not have considered it necessary myself.

Q. What is the statute that authorizes him to sell war vessels?

A. It is a statute of 1806.

Q. The navy act of 1806?

A. No, sir; it is the act relative to the construction of gunboats and other matters.

Q. That is the authority you referred to as giving him the right, and the only one so far as you know?

A. Yes, sir. The resolution as drawn here was handed to Mr. Pike, and he introduced it. The thing lay; the department heard nothing more of the iron-clad matter until one day Mr. Pike came in and said that he did not think this resolution was liberal; that it was for the interest of the government to get rid of the boats; that it tied the department up, and he did not think it liberal. I know the discussion he had with me. I told him that Mr. Welles was of the same opinion, but the difficulty in selling these boats was that we could not put them up at auction because they were good for nothing except for war boats; nobody would buy them for mercantile purposes; and at a general auction we could get no bids except for their value as old material; that there were opportunities to work them off occasionally; that we had had a great many inquiries, and I thought we could sell some of them. I did not know then that we could sell to Swift & Co., because they had made no further move. Mr. Pike suggested that a resolution be drawn of a more liberal character, and I sat down at my desk and drew it in his presence. We had some discussion as to how the price should be fixed. That was what troubled me, for I did not want the department given any latitude. The result was that the resolution, as it passed the House of Representatives substantially, was drawn up in the presence of Mr. Pike, and he took it with the exception of the proviso at the close. It then went to the Senate, and was amended to read as it now does. After the passage of that resolution I considered, as far as I was concerned, that it nullified any arrangements we might have made.

Q. But, as I understand you, you did not know that you made any arrangements about these vessels?

A. We had made no arrangement except along in the summer. Down to some time after the introduction of this resolution there had not been a movement in connection with them, as far as I know.

Q. I understand you that from the 19th of August, when you communicated to Swift & Co. the privilege which that letter gave them, you had no information of their having taken any steps in pursuance of that authority?

A. That is it exactly.

Q. It stood in that way down to the passage of this joint resolution?

A. It so stood down to the meeting of Congress, so far as I know.

- Q. What happened at the meeting of Congress as to vessels with Swift & Co.?
- A. Nothing, so far as I know.
- Q. Then the vessels remained down to this sale in the same condition that they were on the 19th of August last?
- A. Certainly.
- Q. Swift & Co. did not do anything under that authority which you gave them?
- A. They did not do anything under that authority unless they deposited with Mr. Lenthall, and I am inclined to think they made a deposit of \$5,000; but they never had the control of the vessels for one hour.
- Q. You said a while ago that you heard some time after the 19th of August from Merritt, the agent of Swift & Co., that the arrangement they had made for disposing of the vessels had been broken off?
- A. I understood that.
- Q. At what time did you understand that from him?
- A. There is no way in which I could fix the time. I should say it was in the fall.
- Q. As late as October?
- A. I cannot fix the time.
- Q. Did he communicate to you in any way what their expected disposition was to have been?
- A. No, sir; he has never communicated it to me to this day.
- Q. You do not know or understand, and have not received any information as to how it was that they expected to dispose of the vessels?
- A. No, sir; and I do not know it to-day. I knew of course that they were going to dispose of them as war vessels.
- Q. But to what government or what party, whether belligerent or otherwise, you had no knowledge, information, or belief, as I understand?
- A. None at all, and have not to this day. I have no idea how much they will get for them, or where they are going.
- Q. Did you ever communicate to Mr. Welles any knowledge, information, or belief touching the destination of these two vessels?
- A. Never.
- Q. Did you ever have any talk with him on the subject as to their probable destination?
- A. We have speculated between ourselves sometimes. I had a sort of impression that they were going to Mexico. I do not know.
- Q. Did you have any impression that they were going to Peru?
- A. Never. I never had the most remote idea that they were going to Peru. I do not think the Navy Department would undertake to take them around to Peru.
- Q. Have you now any idea?
- A. I have not. I do not know anything more about it than the man in the moon.
- Q. Are they a sort of vessel that can be operated except for defence of harbors?
- A. I do not know exactly. In a harbor I should say they would be very effective for offensive operations.
- Q. But could they reach a harbor?
- A. O yes; and although they are not of the class that the department, as I understand it, would like to send on a long voyage, yet the department has sent them all along our coast. One of them was off Fort Fisher, and rode out a gale in the fight off Fort Fisher.
- Q. Do you think one would be able to cross the Atlantic?
- A. In good weather, I presume; but I should not take passage in one myself.
- Q. But in case of a war, if you wanted to commit an act of aggression, and had no other means, would you think it a thing within the range of propriety

for you to risk a crew, with their armament, &c., in one of that class of vessels to cross the Atlantic?

A. I should not. I should think it a very hazardous operation.

Q. One that nothing but extreme stress of war could justify?

A. I think no officer should be ordered to any such duty. If they volunteered, it would be another thing.

Q. Having got the authority of this joint resolution as it stands, you then issued the advertisement and received the bids which are stated in the table?

A. Yes, sir.

Q. And these are all the bids you received?

A. Yes, sir.

Q. One was from Merritt for \$801,050, and one from Fuentes & Co., of New York, for \$1,025,000?

A. Yes, sir.

Q. Did you know anything about who Fuentes & Co. were?

A. I had several interviews with a person representing Fuentes & Co.

Q. Who is he?

A. His name is something like Garcia.

Q. Garcia y Garcia?

A. No; I should not think that was the name. I think now it is not Garcia. I cannot recollect his name. He came here with a member of the firm of Lewis Johnson & Co., bankers on Pennsylvania avenue. He represented himself as the consul of Uruguay, I think.

Q. You say now his name is not Garcia?

A. I think it is not.

Q. Do you know a man named Garcia y Garcia, minister of the Peruvian government?

A. I do not. I never saw him to my knowledge. The bid of Fuentes & Co. I supposed at the time to be a *bona fide* bid.

Q. Do you understand that there is such a firm in New York?

A. I looked in the directory and saw that there was such a firm, and that their office was on Exchange Place.

Q. Do you know their business, or have you heard anything about it since?

A. I heard that they were Mexican brokers. The other bidders I know nothing about.

Q. Did you receive any communication from them except this original bid?

A. Nothing.

Q. Any sort of communication from any person representing himself as acting in their behalf?

A. Nothing except oral communications. After the advertisement of the 18th of February, Mr. Davis, I think his name is, a member of the firm of Lewis Johnson & Co., bankers on Pennsylvania avenue, came here with this foreign gentleman. Some gentleman with whom I am acquainted, I cannot now recall who it was, introduced Mr. Davis to me. He came in, and I gave him all the information about the boats, where they were, and told him where he could see one like them, at this navy yard, and told him the terms of the advertisement. He was under the impression when he came here that they were to be put up at auction. When I told him they were not to be put up at auction, but we were to receive tenders for them, he said that would necessitate his returning immediately to New York. This was a day or so before the opening of the bids. Next day Mr. Davis came in. He was to fill up Fuentes & Co's. bid upon a telegraphic announcement, as Mr. Davis told me himself. Mr. Davis was present at the opening of the bids. I supposed it to be a genuine *bona fide* bid, and was in hopes they would take the boats.

Q. Did you receive any other communication than that which you have now

described, from them or from any other person professing to act in their behalf, orally or otherwise?

A. No, sir; not before the opening of the bids.

Q. At any time after the advertisement down to this moment?

A. Yes, sir.

Q. State what that was?

A. About two or three weeks, I should think, after the opening of the bids, this Mr. Davis came in one day to explain to me why Fuentes & Co. had not complied with their offer. He said that the gentleman whom he introduced to me, whose name I do not recall, came recommended to them by substantial houses, and they supposed the transaction was to be *bona fide*. As it left them in rather an unpleasant position with the department, having introduced a person who had not complied with his bid, they had written to the firm for an explanation, and he said he had but just got the explanation, it having been sent to Washington, North Carolina, and he showed me the envelope with the stamp mark "Washington, N. C." to account for the delay. In that letter they gave two reasons, as I recollect, their inability to raise the money on so short a notice, and the fact that the government for which they acted had withdrawn its offer. That is all I know about it. I have not seen anybody in connection with that matter.

Q. That is the last you know of Fuentes & Co.?

A. Yes, sir.

Q. Do you know whether it was prior to or after the 1st of April that you had this interview with Davis?

A. I do not recollect the time.

Q. Did you understand what government it was that Fuentes & Co. understood themselves to be acting for?

A. No, sir. This consul said that his government being at war he could not negotiate for his own government, but it was for some other government. That he stated to me himself.

Q. Do you know whether he named the government?

A. I know that he did not name the government.

Q. W. J. Terry, of New York, bid \$425,000 for each vessel, or \$850,000 for the two. Did you receive any other communication from him than the bid from that time to this?

A. Not that I know of, either oral or otherwise.

Q. Or did any person acting for him communicate with you?

A. No, sir. I should say, perhaps, that a great many persons came into my room and asked questions. I always answered them, and did not inquire who they were, but consciously I know nothing about any communication from Terry. He may have appeared in person for all I know.

Q. Do you know who he was?

A. I had not the most remote idea.

Q. Did you ever take any means to find out whether he was a real party, or not?

A. After the bids were opened we got a New York Directory to see if we could find the names of the parties, and I recollect Fuentes & Co. were the only one we found.

Q. Terry you did not find, and you have never heard of him since?

A. I have never heard of him since in any way, shape, manner, or form.

Q. William D. Russell, of Newark, New Jersey, bid \$1,320,000 for the two vessels. Did you receive any further communication from him or in his behalf?

A. Nothing except a telegram from him.

Q. You do not know whether he did do what that telegram said he would do?

A. No, sir; I do not.

Q. And you never made any effort to ascertain?

A. We never made any effort to ascertain. We considered that some of these bids were not *bona fide*. No man in his senses would bid the money Russell did for these boats. They could be built for a great deal less money.

Q. Did they not cost as much?

A. What was actually paid included alterations which did not really enter into the value of the construction of the boats.

Q. So far as the department was concerned you knew nothing about Russell and took no means to find out?

A. No, sir.

Q. And the reason is that you did not believe that he was a responsible party? Is that what you mean?

A. That is it. We should not, in any event, go hunting up these parties. That is not the way departments do.

Q. Did you send him a communication?

A. We telegraphed to him in the morning and wrote in the afternoon.

Q. Stating that he was the highest bidder after the one who had fallen out, and that therefore he could have the vessels at his bid if he wanted them?

A. Yes, sir.

Q. Did you get his despatch in reply?

A. We got his despatch the next day. We wrote him that afternoon.

Q. You got the despatch in reply, in the regular course, did you not? Did he not apparently send it as soon as he got your letter?

A. We asked him in the telegram to reply, and he did.

Q. And then you wrote him a letter?

A. On the same day we wrote a letter.

Q. Did he reply to the letter?

A. He never replied by letter. The only thing is a telegram, in which he says, "Your notice accepting my bid has just been received. I intend to comply with the terms of your advertisement of February 18th."

Q. Was that what made you believe it was not a *bona fide* bid—the fact that he said he would comply with the terms?

A. No, sir.

By Mr. HALSEY:

Q. What was the date of your despatch?

A. The day before, the 25th of March.

By Mr. EDMUNDS:

Q. In your letter to Russell you direct him, if he wishes to adhere to his bid, to deposit with the assistant treasurer at New York the 20 per cent. required. I suppose by "required" you mean required by the advertisement.

A. Yes, sir.

Q. You do not state in that letter how soon he was to deposit it. The original advertisement required the deposit to be in three days after notice of the acceptance of the bid?

A. That was it: three days from the date of our notice. These things, the department holds, are always from the date it notifies, because if you do not apply that rule the contractor may say he never got the notice. We call on him to execute a contract within ten days, for instance. That means ten days from our notification, not from the date that he receives the notice, because he might say he never received it.

Q. Then the time runs from the date of your letter?

A. From the date of our letter.

Q. If you do not choose to send the letter till the last day in order to favor a favored party, you consider him out?

A. We intend to do business honorably. We should not come any tricks of that sort.

Q. But suppose some other Assistant Secretary should, would you regard that to be the right way to construe this expression: "20 per cent. of the purchase money will be required within three days after a notification of the acceptance of a proposition?"

A. That is, after we notify him. In our annual contracts we require them to be executed within, I think, 10 days. That is, 10 days after the date of our notification. We do not allow a contractor to come in afterwards and say, "I did not receive this notice till two days ago."

Q. Why did you not put in the advertisement "after the date of notification?"

A. I cannot tell you that.

Q. Do you not know that, as a matter of law, in mercantile transactions, such a notice as this would mean after the receipt of it by course of mail, after the man had got the notice?

A. I do not know whether it would or not.

Q. You have no idea on that point?

A. No, sir. We gave him three days from the time he got the notice, I think.

Q. Your letter is dated the 25th of March, and his telegram the 26th, stating that he intends to comply. How do you compute the three days?

A. There was that day, the 26th, the 27th, and the 28th. I think we did not move again until the 28th.

Q. On the 27th you received a communication from Mr. Merritt, and on the 28th you replied to Mr. Merritt's communication, sending him back his money and stating to him that there were other higher bidders, to whom you wished to give a reasonable time; and on the same day, the 28th, you addressed a circular letter to Merritt, Partridge & Berry, Fuentes & Co., and to Terry, but not to Russell. Why was that?

A. Russell had been ruled out. His time was up.

Q. When did you rule him out?

A. His time was up when that letter was written.

Q. When did you rule him out?

A. Three days after the date of the first letter, at the close of business on the 28th. He could properly have been ruled out on the morning of the 28th. We telegraphed him on the morning of the 25th.

Q. Did you give him any notice that he was ruled out?

A. We never give any of them notice of that kind.

By Mr. HALSEY:

Q. How did you know that he had not deposited the money in New York?

A. He would have telegraphed us, of course, if he had.

By Mr. EDMUNDS:

Q. The day on which you received this telegram was the 26th of March, Thursday?

A. Yes; but his notification starts from the 25th, and really from the morning of the 25th.

Q. And on Saturday morning you ruled him out and issued this circular letter to the other parties?

A. Those were the last letters that were signed on that day, I recollect distinctly.

Q. Did you see Mr. Merritt at any time between the 20th of March, when these bids were opened, and the 1st day of April, when Swift & Co. addressed their letter to Mr. Lenthall?

A. I have no doubt I saw him every day.

Q. Do you not know whether you did or not?

A. I would not like to swear that I saw him on Sunday, but I am very sure that I saw him every other day. He is an intimate friend of mine, and we are together a great deal when he is here. He was here at that time.

Q. Was he here all the time from the 20th of March to the 1st of April?

A. He was here all the time.

Q. Was he here at the opening of the bids?

A. He was here at the opening of the bids.

Q. And saw them all?

A. Yes, sir.

Q. Did he see them afterwards?

A. No, sir; and no other man, to my knowledge, except those connected with the department.

Q. Were the parties who were present at the opening permitted to make memoranda of the amounts offered by the various parties?

A. Certainly.

Q. Was it a public opening, and intended to be such?

A. Yes, sir; it was public, and intended to be so. There was quite a room-full of parties.

Q. Did you have any conversation with Mr. Merritt touching these transactions at any time after the bids were opened and before Swift & Co. took the vessels on the 1st of April?

A. I have no doubt that I had; but I cannot recollect what it was. I have always been very chary of conversation with Mr. Merritt on any business matters that he has had with this department, although he is a very intimate personal friend. Our conversation is less on business matters outside the department. We require everything in writing in department business.

Q. I do not quite understand you now whether you meant to say that you did have conversation with him about these matters or did not?

A. I unquestionably did; but I cannot recall what it was.

Q. Cannot recall anything that passed between you?

A. No, sir; I do not recall anything except that I recollect telling him this: that when the boats were sold, if the bids were not complied with, the matter would then pass from the department into Mr. Lenthall's hands. I recollect telling him that; that we should have nothing to do with it up stairs; and we did, on the day of the opening of the bids, pass the sale of all the other boats to Mr. Lenthall, and we reserved the Catawba and Oneoto that same day for the reason that we had bids for them, and were managing that matter. I told him that if they were not disposed of we should pass the sale of them to Mr. Lenthall.

Q. And authorize him to dispose of them?

A. Yes, sir.

Q. Can you remember any other conversation with Mr. Merritt touching this subject?

A. No, sir; I do not recollect.

Q. Do you remember anything that he said to you?

A. It was a common thing for him to inquire if any of the parties had taken. Mr. Ricker inquired also. They were in and out frequently.

Q. Mr. Ricker was here?

A. Mr. Ricker was here and Mr. Swift was here.

Q. They were in and out. Did they ever happen to meet here?

A. Yes, sir, unquestionably. I cannot recall an instance, but I know they hunted in couples.

Q. Can you remember anything else that Merritt said to you or you to him about this transaction?

A. No, sir; I do not recall it.

Q. You do not remember, then, that any conversation at all passed between you touching Mr. Merritt's own bid and touching his having sent in \$175,000 under the offer to purchase as stated in his letter?

A. There may have been conversation; but I do not recall it if there was. There was nothing to impress it on my mind.

Q. You do not remember any conversation with him as to why it was that you were unable to permit him to take the vessels at \$801,050, instead of giving them to Swift & Co., his principals, at \$755,000?

A. No, sir.

Q. That subject never was alluded to to the best of your recollection?

A. I never discussed that with him.

Q. As you were interested to get the highest price possible, why did you not ask him, after you had sent him back his \$175,000, when you found that none of the higher bidders were going to take the vessels, to take them, before you permitted Swift & Co. to get them, as you knew that Merritt wanted them at \$801,050?

A. I knew that he was ready to take them that day, because that we had in writing. I cannot tell you why I did not do a certain thing. It was no matter of mine any way. We did recognize the fact that all the subsequent bidders, to the highest, were released from any obligation, and I think we made a mistake in notifying the second-highest bidder. I thought so at the time.

Q. We will suppose you did; but you knew on the 28th of March, when you had \$175,000 of Mr. Merritt's money in your possession, that he wanted the vessels at \$801,000?

A. I knew by this letter that he was ready to take them that day.

Q. And you believed he was sincere, did you not?

A. Yes; he would not have put up his money otherwise.

Q. As he was in the department every day except Sunday, and you had conversations with him about the subject, before you two days afterwards turned the vessels over to Swift & Co., for \$46,000 less practically, did it not occur to you to ask Merritt if on the whole he would not take them at \$801,000 or that you would offer them to him at that, inasmuch as you were not bound by any of the bids?

A. He declined to put up his money on the last day when we notified him.

Q. What do you mean by "declined?"

A. He did not put it up. That ended the offer so far as he was concerned.

Q. What were you doing?

A. I did not do anything.

Q. Inasmuch as you knew that two days before he was desirous to get the vessels for \$801,000 as a private purchase, why did you not see if he would take them at that then?

A. He limited his offer to those two days.

Q. You knew that Swift & Co., wanted to get them at \$755,000. Although Merritt's offer was limited to two days, as he was here all the time, and Swift was here, why did you not try to induce Merritt to take them at \$801,000 before you closed with Swift?

A. I cannot tell you why I did not.

Q. You have not any reason to give?

A. I have no reason to give. I think it would have been very foolish for them to pay that much money for the vessels when they could have taken two others equally good at the appraisal under the statute.

Q. Then, if I understand you, the reason was that it would have been foolish for Merritt?

A. No, sir; I do not say that. I think it would have been foolish, but that did not govern our action at all. I was not called upon to act.

Q. You had charge of the matter specially, had you not?

A. No, sir; no more specially than that that sort of business passed through my hands to the Secretary, but nothing is done without the Secretary's order.

Q. It is proper to state to you that the Secretary testifies that the matter was specially in your charge, and that all he knew about it was merely formal.

A. Everything passed through me to him. Everything he did passed through

my hands. The bids in the first place went to the hands of the chief clerk. He kept them and brought them out on the day of the opening. I did not see them till then. Some of them came by mail, as I saw by the postmarks at opening. After that all letters and communications passed through the chief clerk's hands. They were generally opened and put on my desk, and went from my desk to the secretary's.

Q. What I want to get at is whether or not you mean to say that you were the principal, actual executive man having charge of the transaction of the disposition of these two vessels, or whether you were not, as you understood it?

A. I do not consider that I was the principal, actual man.

Q. Who do you consider was the principal, actual man who practically had charge of the matter?

A. I do not know how to get at that exactly. There was no movement in any way that was not by direction or in consultation with the Secretary of the Navy. He and I consulted together. I do not know how to answer the question any more fully.

Q. Did you and the Secretary have any conference as to whether it was desirable to try to induce Merritt to take the vessels at \$801,000 instead of turning them over to Swift at \$755,000?

A. We had not.

Q. That did not fall within the scope of your consultations?

A. No, sir.

Q. Did you have any consultation as to whether it was wise to turn them over to Swift on the 1st of April for \$755,000?

A. Swift & Co.'s letter is dated the 1st of April; but Mr. Lenthall had no authority to sell them on the 1st of April. On the 2d of April we gave Mr. Lenthall authority to sell them.

Q. Did you have any consultation with the Secretary on that point?

A. I am coming to that. That morning Mr. Lenthall brought up the letter of Swift & Co., with his indorsement upon it, the original of which is here: "Respectfully submitted to the department whether this bid at the appraisement be received, being the only one at this time, and whether the guns are included in the sale. J. Lenthall." Mr. Lenthall brought it to me, and I took it in to the Secretary—that is the usual course of such things—and there we had a conference about it.

Q. State what was said in that conference.

A. I do not know that I can. As near as I can recollect I should think the first remark of the Secretary was rather interrogatively "Had we better accept that?" or "I suppose we had better accept it," or something to that purport. I cannot give the exact language.

Q. Give the substance.

A. It was something to that purport.

Q. Go on and state all that occurred between you.

A. The conversation was very brief. We both were of opinion that the boats had better be sold.

Q. Under that offer?

A. Under that offer.

Q. Was anything said in that conference about Merritt?

A. I do not recollect anything.

Q. Or about his having offered four days before \$801,000?

A. I do not recollect anything of that.

Q. Or about any effort or overture being made under your authority to see whether he would not take them still at that price?

A. I do not recall anything at all.

Q. Was that fact in your mind at that time, or had you forgotten it?

A. I could not have forgotten such a fact, but I knew that Mr. Merritt, not

having complied with the terms of the letter of the 28th to put up the money, and we having no further communication with him, he was out of the ring.

Q. What do you mean by "out of the ring?"

A. That he was not in as a buyer.

Q. You knew before that he was not in as a buyer, because you say he was not bound by the bid at any time, there being higher bids?

A. He was not at any time.

Q. And therefore his letter sending the \$175,000 was a private offer?

A. That was an offer that he would stand by his bid if he could have the vessels that day. What reasons actuated him in that matter, I cannot say.

Q. But he was not then offering within the terms of the public sale, was he? He was writing that letter to propose a private purchase if he could have the vessels within that day or the next?

A. It was rather to back up his bid, as I understood, to show that he was ready to take them that day.

Q. Did you believe on the 1st or 2d of April that Merritt no longer desired to have these vessels at the \$801,000?

A. I believe he did not desire them.

Q. Did you believe so then, on the 1st or 2d of April?

A. I believed that after those two days expired he would not take them.

Q. Then on the 2d of April, when you advised the Secretary to sell to Swift & Co. for \$755,000, you believed that Merritt no longer wanted the vessels at the offer of \$801,000?

A. I did not believe at that time that he would take them at that offer.

Q. What was the ground of that belief?

A. One ground was that he talked with me about some of the other boats of that same class.

Q. State all the grounds you have.

A. That is the only ground I have.

Q. What did he say to you about some of the other boats which led to that belief?

A. He was rather desirous of knowing whether the other boats could be sold at the appraisal. That was his conversation about the boats. I told him that there were some half a dozen boats which were as near alike as two chairs. I recollect the illustration that I used. I supposed that Fuentes & Co. were bona fide bidders, and I supposed at the time this letter of Merritt's was written that Fuentes & Co. had a chance.

Q. I am asking about the state of your belief on the 1st and 2d of April, after the letter of Swift & Co. had been addressed to Lenthall, and after the 1st of April noon had been reached, and Fuentes & Co. had not responded to your invitation?

A. My belief is that Merritt did not want the boats at that price.

Q. Did you believe so at the time you were considering whether you would give the boats to Swift & Co. for \$755,000 under his offer?

A. I did not believe that Merritt would take the boats at that money.

Q. State, if you have not already stated, fully what the grounds of your belief were.

A. The ground of my belief was that if it came to Mr. Merritt to make the purchase they could get two boats precisely like these for less money.

Q. Whom do you mean by "they?"

A. Mr. Merritt.

Q. Why did you call him "they?"

A. He, then.

Q. What did you mean when you said they? Whom else did you have in your mind?

A. The persons to whom they were going to sell the boats.

Q. Who are they?

A. I do not know.

Q. You had nobody else in your mind when you referred to Merritt as "they," except himself?

A. Nobody except Mr. Merritt.

Q. What other boats exactly like these were appraised?

A. I have in my hands the original appraisement, showing that there were in New Orleans the Manhattan, appraised at \$375,000; the Catawba, \$380,000; the Manayunk, \$380,000; the Oneoto, \$375,000, and the Tippecanoe, \$380,000. These boats were all alike.

Q. You say the conversation with Merritt touching these other boats was whether he could get them at the appraisal. Did he know what the appraisal was?

A. I did not communicate it to him.

Q. Did you suppose he had acquired a knowledge of what the appraisal was by any means?

A. I did not suppose he had. I think they had some inkling, but where they got it I do not know.

Q. If "they," as you call Mr. Merritt, were ignorant of what the appraisal of the other boats just like these was, what led you to believe that Merritt would be unwilling to take these two vessels he was so anxious to get four days before for \$801,000 as to put up \$175,000 towards the price, that he would throw away that chance on an uncertainty as to what the appraisal of the others was?

A. I think he had an inkling, but where he got it I do not know.

Q. What do you mean by "an inkling;" do you mean some information?

A. I think he had a suspicion that they were not appraised as high as that.

Q. How do you think he got that suspicion?

A. I have not the most remote idea.

Q. Who kept the papers?

A. The papers were kept up to the date of the appraisal in my safe.

Q. After the date of the appraisal?

A. After the day of opening the bids they went on to our public files. On the same day of the opening we sent a letter to Mr. Lenthall, authorizing him to sell all these vessels except the Catawba and Oneoto at the appraisal, and named the appraisal.

Q. Has he disposed of any of those?

A. He has not to my knowledge; but we authorized him to sell them all.

By Mr. WILLIAMS:

Q. Under what authority of law did you give him that direction?

A. Under the joint resolution of February 3, 1868.

By Mr. EDMUNDS:

Q. Do you understand that joint resolution to authorize you to dispose of them except upon public bids on notice?

A. Most certainly. It was so distinctly stated in the debate in the Senate. Mr. Grimes put the question, I think, to Senator Sherman.

By Mr. BENTON:

Q. Did Mr. Merritt say anything to you showing that he understood what the appraisal was, or did he say anything to you by which you understood from him that he knew anything about it?

A. No, sir, he did not. I have a suspicion that one of the other bidders knew what the appraisal was, and made a mistake of \$100,000 in his schedule. He hit the exact figure, but made it \$100,000 more. Such things leak out, I do not know how.

By Mr. EDMUNDS :

Q. Mr. Merritt staid here through all this transaction ?

A. He was here.

Q. What time did he leave here ?

A. They all remained here until after the 2d of April, when the boats were turned over to Swift.

Q. Do you know where Mr. Merritt is now ?

A. He is in Washington now. He has been here for a fortnight. His address is Willard's hotel.

Q. Is Mr. Swift here ?

A. I have not seen Mr. Swift from that time to this.

Q. Mr. Ricker ?

A. I have not seen him from that time to this.

Q. Did you see Swift and Ricker and Merritt between the 1st and 3d of April together at the department ?

A. I cannot recollect a single instance when I saw them together in the department.

Q. Any two of them ?

A. I should think Mr. Ricker and Swift were here.

Q. But you think neither of them was here at any moment when Merritt was ?

A. I saw Ricker and Merritt.

Q. They were here together frequently, were they not ?

A. Yes, sir.

Q. They were in frequent conference about something, were they not ?

A. I should judge they were.

Q. Did not all that give rise to any suspicion in your mind that Ricker and Merritt had some understanding in respect to these two boats ?

A. I may have had some suspicion of that sort.

Q. Did you have ?

A. I think I did have a suspicion of that sort.

Q. But you never thought fit to say anything to either of them about it ?

A. No, sir ; I did not think I was called upon to negotiate privately relative to the sale of boats or anything else. I do not do that thing.

Q. Having that suspicion you did not think fit to see whether Merritt was willing to stand to his offer of \$801,000 on the 2d of April ?

A. No, sir ; I certainly took no steps to see whether he would do so or not.

Q. Partridge and Perry, as appears from your table, bid \$955,000 ; \$480,000 for one vessel and \$475,000 for the other. Do you know who they are ?

A. No, sir ; I have not the most remote idea.

Q. Did you take any means, by the directory or otherwise, to find out whether they were men of straw or not ?

A. I think we looked on the day of opening the bids, in both the New York and Washington directories, for the names of all the parties.

Q. Do you remember whether you found these names or not ?

A. I do not recollect. I think we found one of the names ; which one I cannot recall.

Q. Did you hear anything from them except by this bid ?

A. No, sir.

Q. Or from any person acting on their behalf ?

A. No, sir. We got no response at all.

Q. I perceive that on their bid they give their address as No. 126 East Tenth street, New York. Did you look to find their names in the directory ?

A. I think Fuentes & Co. were the only ones we found in the New York directory. I am not quite sure about it, however.

Q. Have you ever seen a gentleman called W. F. Stocking touching this transaction?

A. Not to my knowledge.

Q. About the latter part of March or the first of April did you see anybody who represented himself as being authorized to act for Partridge and Perry?

A. Not to my knowledge.

Q. Would you be likely to remember it if you had?

A. Yes, sir.

Q. Did not some gentleman come to your office on the 30th or 31st of March, and ask you to see the memorandum of the amounts bid for the Oneoto and Catawba, or the bidding books, or the table of bids?

A. I do not know what day, but one afternoon a gentleman came in and asked for a copy of the schedule. It was not particularly for the Catawba and Oneoto, but for a copy of the schedule. I declined to give it to him, and said he could only get it on application to the Secretary. I told him he would have to see the Secretary. The Secretary afterwards said to me that such a gentleman called on him and that he told him to make his application in writing, and it was never made. Our rule is against giving such information. If the man had asked for the bids on the Oneoto and Catawba, I should have given him them. If he had asked for the bids on any other two boats, I should have given them, but a general schedule is a thing that we do not give to anybody.

Q. Did you know what this gentleman's name was?

A. I do not. I never saw him before, nor have I since, to my knowledge.

Q. Did he introduce himself?

A. No, he did not give his name.

Q. Did he represent to you that he was acting for anybody?

A. He did not.

Q. You are sure about all that?

A. I am.

Q. Would you know the gentleman if you were to see him?

A. I could not recollect him.

Q. Were a good many people in and out that day?

A. Yes, sir.

Q. How are you able to remember so precisely the form in which he addressed you an application to see these bids or get the information?

A. I recollect it just as distinctly as if it occurred yesterday, because he was a little excited in the matter. It took me, as they say, all aback. When I told him he could not have the schedule, he flared up at once and said, "You decline to give it to me, then?" or something to that purport, in a very excited manner, which impressed it on my mind. I told him certainly I did, he could only get it on application to the Secretary. He went in to see the Secretary, and the Secretary spoke to me about it a few minutes afterwards; but who he was I did not know, and I do not know to-day.

Q. And you do not recollect that he represented himself as acting for anybody?

A. I know he did not. He neither gave his name nor represented to me that he was acting for anybody. What he may have said to Mr. Welles I do not know.

Q. Did he, or anybody else, ever ask of you to see the memorandum of the bids for the Oneoto and Catawba?

A. No, sir; not to my knowledge.

Q. I mean those bids which were opened on the 20th of March?

A. Not to my knowledge. If he or anybody else had asked me for the bids for the Oneoto and Catawba, or any one of the boats, I should have told him.

Q. Did he or any one else about that same time ask you if you would not

give him the memorandum, or let him see the memorandum, or inform him verbally what the amounts bid for the Oneoto and Catawba were?

A. No, sir; not to my knowledge. I should have given that information if asked specially as to those two boats; or, if any one had named any one of the boats, I should have given that information unquestionably. At least I presume I should.

Q. Then you did not decline to do either of those two specific things that I have now asked you?

A. No, sir. The question was not put to me in that way, to my knowledge.

Q. Did he not then tell you that he was the attorney for the parties bidding for vessels, and was under the impression that he had a right to know?

A. I think he did say something of that sort in the course of his excited conversation.

Q. Then he did communicate to you that he was attorney for somebody?

A. I think he said something to that purport.

Q. Did you not ask him if his clients did not know the amount of their own bid?

A. I do not recollect saying that.

Q. And did he or not reply that he presumed they did, but that, as the business was intrusted to him, he desired to be perfectly certain that memory did not deceive him?

A. I have no recollection of any such conversation.

Q. And did he not then again respectfully ask that this information be given to him for that purpose, as he had understood previously that information had been obtained before by other parties at your office?

A. No such conversation as that occurred with me.

Q. And did you not then decline absolutely to give him any information concerning the matter, or to allow him to see the memorandum or record of the bids?

A. I declined to give him a copy of the schedule of the bids—that was what he wanted—and told him it could only be given by authority of the Secretary, and I referred him to the Secretary. That is precisely what I should do again to-day. As late as to-day I should not allow anybody to take a copy of that schedule.

Q. Are you now able to recall whether or not that interview with this person unknown to you, who represented himself to be attorney for somebody, was on the 31st of March, the day previous to the 1st of April, on the noon of which day the second chance for the bidders was to expire?

A. I am not. There is nothing to fix the date in my memory.

Q. You have no reason to suppose it was earlier or later?

A. I have no recollection about it. I cannot fix the date.

Q. Did you see that person in the department more than once?

A. Not to my knowledge. He may have been present at the opening of the bids, but I do not know. I do not recollect him, and did not know that I had ever seen him before; nor do I know that I had ever seen him since. I do not know his name; and he did not give his name.

Q. Was Mr. Merritt in your office or about there during this conversation?

A. Not to my knowledge. I have no reason to suppose he was.

Q. From your knowledge of the course of mail between here and New York, when would your circular letter, written on Saturday and sent to all parties, reach Partridge and Perry?

A. If they went to the post office, they would get it on Sunday morning.

Q. Is Sunday a business day in New York?

A. No.

Q. Then for business purposes they would get it on Monday morning?

A. Yes, sir.

Q. Why was the change made from the first requirement that the money

should be deposited with the assistant treasurer in New York to a requirement that it should be deposited with a paymaster here when you made your second offer?

A. For this reason: we notified several parties at the same time, and so far as I had any object in that matter, it was to have no more child's play, but to get at something *bona fide*. If the money is deposited with the assistant treasurer, it is a troublesome thing to get it out; whereas if the money was deposited with our paymaster here, a simple letter directing the paymaster to return the amount to a person whose offer was not accepted would take the money back into the man's hands. That was the only object.

Q. Did you not think it was rather a short time for parties in New York, notified on Monday forenoon, who had up to that moment a right to suppose that their bids would not be considered, to be called upon to raise \$200,000, and get that money here by Wednesday noon?

A. I think anybody who wanted to buy these boats could raise that amount of money.

Q. Did you not think it was rather a short time for the purpose?

A. No, sir.

Q. You knew that Merritt was here at that time, and that Swift and Ricker were here, and you knew that Merritt at that time—the 28th of March—wanted the vessels, if he could have them that day. Did you know that Swift & Co. wanted them?

A. I had no communication with Swift & Co. about it.

Q. That was not the question I asked. I asked you if you knew that they wanted them?

A. I had no knowledge in the matter.

Q. Had you any information?

A. I supposed they did want them.

Q. Had you any information that they wanted them?

A. No, sir. I do not know exactly how to state that; but, if you come to a supposition, I suppose that Mr. Merritt was acting for the Swifts.

Q. And you had that supposition all the time?

A. I had that supposition.

Q. Did it not occur to you that it would give Merritt and Swift & Co. a little advantage if Partridge and Perry were notified in New York on Monday forenoon that they must have \$200,000 over here with Jackson by Wednesday noon, whereas Merritt and Swift had their money here on the spot? Under those circumstances, did it not strike you as rather singular to change the place of deposit from New York to Washington?

A. It did not occur to me anything about it. I did not suppose that Partridge and Perry or any others, unless Fuentes & Co., were real bidders. I knew that Fuentes & Co. were acting through bankers here; and, so far as I had any supposition in the matter, I did not suppose anybody else was at all likely to respond.

Q. You did not suppose that Partridge and Perry wanted the vessels?

A. I did not. Such an idea never entered my head.

Q. Whom did you suppose that this gentleman who was so excited was acting for?

A. I had no supposition about it. I could not imagine.

Q. Why did you not take pains to ask him? You say you wanted to get the highest possible price, and there were Partridge and Perry yet unaccounted for so far, unless this gentleman represented them. You knew, or supposed, he was not acting for Fuentes & Co., because they had agents here, and Daniels and Smith you say you supposed to be men of straw, and Russell you had got rid of?

A. I supposed Partridge and Perry to be men of straw in the same way.

Q. But here was a man evidently considerably in earnest for some reason, who was trying to get information?

A. Yes; he flared up very much when I told him I could not give him the schedule.

Q. Why did it not occur to you to ask him whom he was acting for, as you knew that Partridge and Perry were outstanding and unaccounted for?

A. I did not care whom he was acting for. I knew he could not have that schedule with my consent.

Q. That he seems to have discovered; but you wanted to have Partridge and Perry get the boats if they would give the amount of their bids, did you not?

A. Certainly.

Q. Then why did you not ask this gentleman "Are you acting for Partridge and Perry?" from whom you had not yet heard?

A. I cannot tell you the operation of a man's mind; why I did not think of this or that or the other, or whether I should have asked him or not.

Q. Suppose this gentleman had told you that he was acting for Partridge and Perry, and that inasmuch as it was only the next day at noon when they would be obliged to have the money here instead of depositing it in New York, and that that was the reason he was making inquiry, what would you have done then?

A. If Partridge and Perry, or any other men, had said to me that they would deposit the money in New York, or if they had telegraphed from New York that day that they had deposited the money, I should have considered it equivalent to depositing the money here.

Q. But they would not have known that?

A. No. The object of the department in making this change was to be able, in case two persons deposited money, to let one of them get his money back without any trouble. I thought at the time there would be two depositors. I thought Fuentes and Merritt would both deposit.

Q. That was not my question. Inasmuch as you knew that Partridge and Perry had not responded in any way, and this gentleman had come here and professed to be acting for somebody, and you knew he was not acting for Fuentes & Co., because they had other representatives here, and you knew it was not Russell, as he was "out of the ring," and the other men you regarded as men of straw except Merritt—that being the case, why did you not think of asking this gentlemen, who seemed so much in earnest, whether he was representing Partridge and Perry, who were the only persons you had not, in some way or other, got "out of the ring," to use your own language?

A. I cannot say why I did not, but it would not have made the slightest difference with my action if he had told me that he represented Partridge and Perry.

Q. Suppose he told you that as it was Tuesday afternoon, and the next day at noon his principals at New York had to have the money here—this information was necessary for him to communicate to them in order that they could comply with your terms; what would you have said then?

A. I should have told him that such a statement could not be true. At least I should have thought it. I do not know what I would have done. He was rather in an excited state of mind when he flared up so.

Q. And you were excited, too, were you not?

A. Men say things when excited that they do not in calmer moments, but he flared up like a gale of wind.

Q. Do you not think, as the matter actually stood on Monday, the 30th of March, that the fact that the money was to be deposited here by Wednesday, the 1st of April, and that Swift and Merritt were on the ground with their money, gave them an advantage over bidders who had not their money in town?

A. I do not think it did substantially. Any one who was a *bona fide* bidder in the outset only a week before did not know but that his bid might be the one which would be accepted, and if he was a *bona fide* bidder he knew at that time where he could put his finger on the money. If he did not he had no business to bid.

Q. But putting his finger on the money and getting it over here would be different things, would they not?

A. There would be no trouble about that.

Q. You say that you understood that Merritt was acting for Swift & Co.?

A. I said I had a suspicion of that kind.

Q. What was that suspicion founded upon?

A. The fact that he had acted as their attorney, and was a sort of agent for them.

Q. You supposed, then, when Merritt put up that \$175,000, that it was Swift & Co.'s money?

A. I do not know that I did.

Q. If you supposed Merritt was acting for Swift & Co., and supposed he was acting for them in that transaction, did you not think it was their money?

A. I do not know whether Merritt raised the money or did not; whether it was Swift's money or Merritt's money. The only suspicion that passed through my mind was what I have stated.

Q. When this \$175,000 was placed in your hands by Merritt, did you believe that he was then acting on his own independent account, or for Swift & Co.?

A. I had a suspicion that it was for Swift & Co.

Q. You believed, then, that this money was deposited on account of Swift & Co., in reality?

A. I had the suspicion that if he took the boats it would be part of the same transaction.

Q. Then why did you send back \$175,000 of money that you believed really to be for the interest of Swift & Co. on one day and two days afterwards take \$46,000 less for the vessels than the offer of which that \$175,000 was a part deposit?

A. I believed it to be for the interest of the department that day to take it, but I knew that if we did take it there would be a big hullabaloo about it.

Q. Have you had any conversation with Merritt about this transaction since?

A. I have had.

Q. Has he stated to you in any way, since, whom he was really acting for?

A. He has not.

Q. Has he expressed any regrets that he did not get the vessels at \$801,000?

A. He has not.

Q. What have you said about it to each other since?

A. I cannot recall. There has been lots of little talk—one thing and another.

Q. Rather jocose than otherwise?

A. Rather jocose than otherwise, I should think.

Q. Have you ever had any conversation with Mr. Merritt touching these vessels at any other place than Washington?

A. I do not recall any conversation touching them at any other place than Washington.

Q. Did you visit him at Stamford, Connecticut, some time in the month of February or March?

A. Yes, sir; it was in February, I think. I went up to Connecticut to attend the funeral of an aunt of mine. I think it was about the middle of February.

Q. How long did you remain at his house?

A. I remained at his house over night. I always stop at his house when I go to Connecticut. I never think of such a thing, and have not for years, as going there without going to his house. I expect to do so every time I go up

there hereafter. I do not think I have been in Connecticut for four or five years past without stopping at his house.

Q. Did you have any conversation with him there on the subject of these vessels then?

A. No, sir; I cannot recall any. It may have been alluded to, but if so, it was the merest accident. My visits to him were purely social.

Q. In that social visit you have no recollection of anything having taken place on this subject?

A. I have not the slightest recollection of any conversation occurring there in reference to the boats, and I have no reason to suppose that we exchanged a word about them.

By Mr. WILLIAMS:

Q. Can you give any reason why Mr. Merritt required you to accept that offer on his bid within a day or two?

A. No, sir.

Q. You have no idea as to his motive in requiring you to accept the bid within that given time?

A. I have not.

Q. You did not suppose at that time, as I understand you, that Fuentes & Co. were going to take the vessels?

A. I did suppose it. I had no reason to suppose otherwise; on the contrary, I supposed up to the very hour for completing the deposits that Fuentes & Co. were genuine, *bona fide* bidders, and, of course, the object would be apparent, that they wanted to get these two particular boats.

Q. When was the conversation with the banker of whom you have spoken, in which he represented to you that the government to which Fuentes & Co. expected to sell the vessels, if they got them, had failed to comply with its agreement?

A. I should think it was two weeks subsequent to the transaction. He brought a letter here to remove what he was afraid we might consider an impression that he supposed might be unfavorable to his house, they having introduced to the department a party representing Fuentes & Co.

By Mr. EDMUNDS:

Q. I think you stated that you had not any knowledge derived from what anybody said to you as to the disposition Swift & Co. intended to make of these vessels?

A. I do not know to-day; I know nothing about it; I have not the most remote idea. I somehow or other got the impression that Mexico was the destination.

Q. Did you ever hear from anybody of any contract or arrangement between Swift & Co., or anybody acting on their behalf, and the Peruvian government, or anybody acting on their behalf, touching these vessels?

A. The only thing I ever knew or ever saw about it was an article that was published in the New York Herald the other day. That was the first intimation or idea I had of that particularly. The statements in that letter were entirely new to me.

By Mr. BENTON:

Q. You have spoken about being very intimate with Merritt. Did he visit you here during this time?

A. I am not keeping house; I room in the department and take my meals at Willards', and have for the last year.

Q. Is he with you often at Willards'?

A. Quite often.

Q. He dines with you and you with him?

A. Certainly.

Q. Did he ever request you to return his checks for \$175,000, or intimate that he desired to have them returned?

A. No, sir; not to my knowledge. I have no recollection of any such thing. His offer seemed to be limited to those two days.

Q. You do not recollect his intimating, directly or indirectly, that they had better be returned?

A. No, sir.

By Mr. HALSEY:

Q. I understood you to say that you came to the conclusion that Mr. Russell was not a *bona fide* bidder?

A. I had an idea that none were *bona fide* bidders except Fuentes & Co. and Mr. Merritt.

Q. And you came to the conclusion that the other bids were not *bona fide* bids because they were so high?

A. Yes, sir.

JOHN LENTHALL, sworn and examined.

By Mr. EDMUNDS:

Question. What is your occupation?

Answer. I am chief of the Bureau of Construction in the Navy Department.

Q. How long have you held that position?

A. About fourteen years, I think.

Q. Did you have anything to do with the disposition of the iron-clads Catawba and Oneota, the advertisement for the sale of the same, the bids thereon, &c., recently?

A. I had nothing to do with the advertisement, and nothing to do with the sale until after the bids were all in and none of them were taken, and then it was referred down to me to sell the vessels at a valuation not less than the appraisement.

Q. Did you know anything as to what the bids were, or who were the bidders, before you made the sale to Swift & Co.?

A. I had merely seen the list; I did not know the persons.

Q. Did you have any papers or information about it in your office?

A. None at all.

Q. Did you have any communication on the subject of these two vessels with Mr. Merritt, of Stamford, Connecticut?

A. No, sir.

Q. Did you have any conversation with him about them?

A. I think Merritt asked me if all the vessels were of the same character, and I believe I told him they were. Other persons may have asked me that, also.

Q. When did Mr. Merritt make inquiries about these vessels?

A. About the time this was done. I paid no attention to the time.

Q. Did you see Mr. Merritt frequently between the 20th of March and the 1st of April?

A. No, sir, I do not think I did; I have seen him several times, however.

Q. How long have you known him?

A. He was the contractor for one of the light-draught monitors five or six years ago, and he came here as a contractor; nothing further than that.

Q. Did you have any communication with Mr. Smith on the subject of these vessels until the sale had been completed?

A. None at all.

Q. Did you see Mr. Swift before you received his letter, dated the 1st of April, on this subject?

A. Yes, sir; I met Mr. Swift and was introduced to him by a gentleman, but no business was talked about; he was merely introduced to me as Mr. Swift.

Q. When was that?

A. It might have been before this advertisement; it was about that time. He did not come to see me in the office.

Q. Did you ever have a conversation with Mr. Swift on the subject of these vessels prior to the second day of April, 1868?

A. I never had any conversation with him about vessels at all.

Q. Do you know a man named Ricker?

A. Yes, sir.

Q. Who is he?

A. I believe he was a clerk or an agent for Mr. Swift when he was contractor for building some boats in Cincinnati. He appeared here as the other contractors did, and Ricker appeared to be his representative or agent.

Q. Did you see Ricker here between the 20th of March and the 1st of April?

A. I cannot say that; but he has been here, and probably I did see him. I saw him occasionally, but very rarely. He had no business with me and scarcely came in at all. I had no business conversation with him.

Q. Did you ever have any conversation with Ricker as to these vessels, or any vessels?

A. No, sir; except when he was here upon his matter of contract, not latterly. I have had no business communication with him latterly.

Q. Did you ever see Ricker in your office?

A. Yes; he has occasionally come in.

Q. Since the 20th of March?

A. About the time of this advertisement he may have dropped in, and since that.

Q. Do you remember whether he did or not?

A. No particular day or case that I can remember.

Q. But at any time since the 20th of March do you think he has been in?

A. I should think he has been.

Q. What for? Has he had any business there?

A. No; just to speak to me, he being acquainted with me. That was the only reason.

Q. Has Mr. Swift been in your office since the 20th of March?

A. I think Mr. Merritt brought Swift in and introduced him to me in my room. Whether it was after that day or not I cannot tell. I had never seen Swift, and did not know him. Mr. Merritt then came in my room and introduced this gentleman as Mr. Swift, and I think after that I met him on the avenue, but there was no business spoken of.

Q. About what time was it that Mr. Merritt brought in Mr. Swift?

A. I cannot tell; I cannot fix the date.

Q. Do you think it was before or after the 20th of March last?

A. It seems to me it was since.

Q. Do you think it was before or after the 1st of April?

A. It may have been about that time, but I cannot fix the time.

Q. You cannot form any opinion whether it was before or since the 1st of April?

A. I cannot say, because no business prompted it, and not a word was spoken except to introduce him as Mr. Swift, and then they went right out.

Q. Did you ever see Swift there again?

A. No, sir.

Q. And that is the only time you ever saw him?

A. Except that I met him on the avenue one afternoon. I never saw him at any other time, to my knowledge.

Q. How did you get the letter of Swift & Co. addressed to you, dated the 1st of April?

A. I do not know. It must have been left on my table, I presume; I do not

remember how it came. I came to the office and found that this letter was placed on my table after having been opened by the chief clerk. Whether it came through the post office or was left there, I am not able to say.

Q. How did you know on the 1st day of April, when you referred this letter to the department, that that was the only offer at the time?

A. That was the only one I had. There had been no other offer of any kind made to me.

Q. Had the papers been sent down to you?

A. The letters authorizing me to sell them had.

Q. That was on the day before?

A. The letters will show that. I find among the papers a letter dated the 21st of March, 1868, as follows:

NAVY DEPARTMENT, *Washington, March 21, 1868.*

SIR: Congress having, by resolution approved on the 3d of February, 1868, authorized the sale of certain iron-clad vessels after public advertisement for thirty days, and the following named vessels having been so advertised, and no proposals for their purchase equal in amount to their appraised value having been made, you are now authorized to dispose of them as opportunity may offer, at not less than their appraised value, which is annexed:

At New Orleans:

Manhattan.....	\$375,000
Manayunk.....	380,000
Tippecanoe.....	380,000
Chickasaw.....	160,000
Kickapoo.....	165,000
Winnebago.....	170,000

At Washington:

Sangus.....	380,000
Mahopac.....	370,000
Casco.....	35,000
Chimo.....	35,000

Very respectfully,

G. WELLES,
Secretary of the Navy

Naval Constructor JOHN LENTHALL,
Chief of Bureau of Construction and Repair.

Afterwards I received the following letter:

NAVY DEPARTMENT, *Washington, May 2, 1868.*

SIR: The highest bidders for the iron-clads Catawba and Oneoto having failed to deposit the 20 per cent. required by the terms of the advertisement within the time specified, and all the other bidders having been given an opportunity to take the vessels at their bids, and having failed to do so within the time specified by the department, you are now authorized to sell them at not less than the appraisal as made by the board of officers appointed pursuant to a resolution of Congress approved on the 3d of February, 1868, viz: Catawba \$380,000, Oneoto \$375,000.

Yours, very respectfully,

G. WELLES,
Secretary of the Navy.

JOHN LENTHALL,
Naval Constructor, Chief Bureau Construction and Repair.

Q. On the bottom of this last letter I find a memorandum in pencil. Is it in your writing?

A. No, sir. That was written by the acting chief clerk down stairs, Mr. Henley. The chief clerk was sick. That memorandum is:

APRIL 2, 1868.

See two letters to A. Swift & Co. of this date. Also letter to Captain F. L. Haggerty, and write to honorable Secretary of the Navy enclosing C. D. for \$175,000.

The letters C. D. stand for certificate of deposit. The letters referred to were letters stating the acceptance of the offer and acknowledging the receipt of the certificate of deposit. Haggerty is the commander at New Orleans.

Q. Did you write two letters to Swift & Co.?

A. So it appears from that. I suppose I notified them of the acceptance of their offer and what they were to do.

Q. I find in the papers a letter from you dated April 2, 1868, notifying them that you accepted the offer and requiring a deposit of \$175,000; but I do not see the other letter referred to. We should like to see that.

A. It seems from this memorandum that another was written, but I do not know anything about it.

Q. Has the date of this letter of the department, "2d April, 1868," been altered; has the figure 2 been written over an erasure?

A. It is now just as I got it.

Q. Look and see whether it has been altered at any time.

A. I cannot tell. It is just as it came to me. The paper looks to be scratched, but whether the date was altered I cannot say. I never noticed that before. You see on the face of the letter our stamp showing the date we got it to be the 2d of April. I find on further looking over the letters one of that date acknowledging the receipt of a certificate of deposit for \$175,000. That was the second letter.

Q. It was all done the same day?

A. Yes; after I got the letter to make the purchase.

Q. When did you receive the letter of Swift & Co., offering this price, on the 1st or 2d of April?

A. I think we received it on the day it was dated, but I don't remember what that was.

Q. Their letter is dated the 1st of April, and you think you received it on that same day?

A. It is probable.

Q. Have you any means of knowing that?

A. No, sir; we have only the stamp that is on it.

Q. And the rest of the transaction was completed on the next day, whether the first part of it was on the 1st of April or not? That is to say, you notified them of the acceptance of their offer and required them to deposit \$175,000, and the same day you received the certificate of deposit on the Assistant Treasurer at Washington for \$175,000?

A. I think it was on the same day. I know I mailed my letter at once. One was connected with the other, and I got the matter off my hands as soon as I could.

Q. I see a note at the bottom of each one of these letters addressed to Swift & Co: "This letter was handed to Mr. Gustavus Ricker, April 2, 1868."

A. I suppose he came for them. I do not remember it, though. We put it there just as the thing occurred.

Q. Do you not know whether Gustavus Ricker brought into the office the letter of Swift & Co. making an offer for these vessels?

A. I really cannot say. He may have done so, but I have no recollection of it. I did not pay attention to that. I cannot say whether he did or not.

Q. Did you know at the time you wrote this letter to Swift & Co. accepting their offer of \$755,000 that Mr. Merritt had four days before offered \$801,000 for the same vessels?

A. I had seen the list. I was up there part of the time when the bids were being opened, but I did not know further than that.

Q. I am not speaking of Mr. Merritt's bid; but I am asking whether you knew, aside from the list of bids you saw, that Merritt had made an offer of \$801,000, and had actually transmitted to the department \$175,000 advance upon the offer four days before, with a request that the department should accept their offer on the day he sent the letter or on the next day? Had you heard of any such fact?

A. No, sir. That transaction must have been up stairs, and I did not know anything of it.

Q. You did not in fact hear of it before?

A. No, sir.

Q. Did you hear of it before?

A. I think Merritt mentioned it to me afterwards, but not at the time I had this letter.

Q. At what time afterwards did Mr. Merritt mention it to you?

A. I really cannot say. It may have been within a week.

Q. What did he say?

A. He merely mentioned that he had made an offer to the department that, if they would accept his money promptly, he would make his bid good; but I had nothing to do with the bids, and I paid no attention to his remark.

Q. Did he say anything about the fact that Swift & Co. had got the vessels away from him? He did not make any complaint on that ground?

A. Nothing of that kind. They had very little to say to me about it.

Q. Where was Mr. Merritt when he told you this?

A. I cannot say whether it was in my room, or not.

Q. How did he come to be talking with you about it?

A. He occasionally steps in, not often.

Q. How was the subject introduced?

A. I suppose he was here in regard to these things. I did not introduce it, because I did not know.

Q. Was that all he said to you? Did he open and end the conversation by just saying that he had offered to stand by his bid if the department would close it promptly?

A. I do not remember the whole of his conversation. It was very unimportant and on trivial matters; but he incidentally mentioned this, and I paid no attention to it, because I did not know what was going on.

Q. Did this have any relation to the unimportant and trivial matters you and he were talking about?

A. I think not.

Q. Can you not remember how this particular observation of his came to be put into the middle of your other conversation?

A. No, sir; I have known him several years, and he occasionally steps in and talks about different things. He just mentioned that fact.

Q. Did you understand from him at that time that he had found out that Swift & Co. had got the vessels?

A. No; I did not know whether he was for Swift & Co. or not.

Q. I asked you whether you understood at that time that he knew that Swift & Co. had got the vessels away from him?

A. No; he did not say anything to me about it.

Q. All you can remember him to have said is just what you have stated?

A. Except that he asked me if I had heard of that thing before. It was some time afterwards that I did hear of it, but at the time I did not know anything of it. It might have been a week or some days afterwards that I heard of it.

Q. Have you stated all that you can now remember Mr. Merritt to have said to you on that subject?

A. I think that is all, because he had no occasion to talk to me about it. I had nothing to do with it.

Q. Did he make any application to you to purchase any of the other vessels?

A. No, sir.

Q. Has he ever made any such application?

A. No sir; except that I think he asked if the other vessels were equal to these. In no other way than that did he ever refer to them. He never made any offer for them.

Q. They were equal to these, were they not?

A. I think so.

Q. There were a good many of them appraised at the same price?

A. Yes; and I judged they were alike.

Q. Merritt has made no application to you to purchase them for himself or anybody else before or since?

A. No, sir.

Q. And you have no reason to suppose that Mr. Merritt wants any of these other vessels?

A. None.

Q. Has any other person ever said anything to you on the subject of the sale of these two vessels, about Swift & Co. getting them, or Merritt getting them, or about Merritt and Swift having any connection or understanding with each other, or anything of that kind?

A. No, sir.

Q. Do you know what was the reason why the other vessels were not sold under the advertisement?

A. No, sir; I was not at the opening of the bids, but I went into the room shortly afterwards, and I saw a number of persons there. I just staid for a little while, while a few of the offers were being read.

Q. Were all of those offers below the appraisal?

A. No. I think there were several of them very much higher. I think there was one offer of more than \$700,000 for one of these vessels, and it struck me as a very high price when I heard it read out. I do not know who the parties were, and I have not looked at that list since because I had no occasion to look at it. I have a letter now giving me the value of all the vessels, but I have had no bid since. I had a letter this morning from Boston inquiring whether we had any vessels to sell.

Q. The authority under which you are acting in disposing of these vessels at private sale is the resolution of the 3d of February?

A. My authority is the letter the Secretary gave me.

Q. And that is all you look to for authority?

A. It is all I look to.

Q. You are merely a subordinate officer?

A. I am chief of the bureau.

Q. But you are acting always under specific instructions of the Secretary of the Navy?

A. Always in matters of this kind. In professional matters I do not consult the Secretary of the Navy at all, but in relation to matters of business of this kind I act under his orders, so much so that when the offer of Swift & Co. was made I referred it up as the only one I had, for him to say whether I was to take it and whether the guns were included.

Q. And if you were to have any other offers in regard to the other vessels you would refer them to him also?

A. At once. I would indorse such a letter and refer it to him.

By Mr. WILLIAMS:

Q. Was there not unusual despatch in the transaction of this business in reference to the Catawba and Oneoto. You received the letter of Swift & Co., then the authority to sell, then you sold, and made your report, and received your purchase money on the same day. Is not that unusual despatch in the transaction of business in this department?

A. No, sir; I do not think so. It all turned on these people having their money ready. My giving the order was a very simple thing. The moment I would do that I would write the letters to complete the transaction. It all turned on their having the money ready. How that happened I do not know. I would settle my letters in a very short time.

Q. You were authorized on the 2d of April, as it appears, to sell these two vessels? Had you any means of knowing that Swift & Co. would be the only men who would propose to buy them?

A. No, sir; I had no means of knowing anything of that kind.

Q. You received this letter of advice, and without waiting for anybody else to compete for the purchase you reported to the Secretary of the Navy that this bid was before you, and you asked him to accept it?

A. It was the only one I had.

Q. And he immediately told you to sell these two vessels before you received the specific authority to sell to Swift & Co.?

Q. They appear to be of the same date.

By Mr. EDMUNDS :

Q. And what time on the same day? Were both sent down to you at the same time?

A. I do not remember that.

Q. What was the object of sending more than one?

A. One paper is Swift's proposal, with the indorsement and the answer of the department to sell them. That letter is dated the 1st of April, and on the 2d of April is indorsed my reference to the Secretary. That may have been in the morning, and the other letter in the middle of the day of the same day.

Q. When the department had authorized you to sell to Swift & Co. by indorsement on their offer, why should they have sent to you a formal authority to sell to anybody?

A. I suppose I must have had that letter of the department in my possession when I wrote the indorsement on Swift's proposition.

Q. Then you think you had the general letter of authority in regard to these two vessels before you received Swift's offer.

A. I think it is probable I had, because I took the things just as they came to me, and acted upon them as they came.

Q. The general letter dated April the 2d was the only evidence you had that what you declared to be the case here was true, "being the only one" referring to their offer, "at this time?"

A. I presume I must have had the authority to sell them, and must have known what the price of these two vessels was.

Q. You mean that you must have had this letter on the 2d of April?

A. I think so.

Q. If you did have this letter, received on that same day, as it bears that date, which authorized you to sell the vessels at not less than the "appraisal as made by the board of officers," stating what the appraisal was, why did you not look around before you sent up this offer in such a hurry to see if you could find some other purchaser so as to get a better bid?

A. I should have very much liked to get more. I did not know where to look. I did not know that a better bid would come.

Q. Why did you not delay? Why did you close the transaction that day?

A. I did not close it. I merely sent it up to the Secretary of the Navy as soon as I got it, with that indorsement. I do not know why he sent it back so soon.

Q. But this general letter gave you authority to sell?

A. Yes; and these people made an offer, and it was the only one I knew of, and I so stated.

By Mr. WILLIAMS :

Q. When the bids had expired, the sale of these vessels was referred to you, as I understand, by the Secretary?

A. After they had got the refusals of all the bidders, as I understood.

Q. That reference was made to you in the letter of the 2d of April, which conferred on you authority to sell?

A. For these two vessels.

Q. The letter of Swift & Co. making an offer for the vessels was directed to you after you had the authority to sell, was it not?

A. I got it after the authority; I do not know when they wrote it.

Q. How do you account for the fact that their letter is dated April 1, 1868, and the authority under which you acted is dated April 2, 1868?

A. I do not know. It came to me on that day. I do not know how Swift's letter came to me. I found it there. Whether he left it, or who left it, I do not know.

Q. But Mr. Swift must have known that you were authorized to sell these vessels, otherwise he would not have directed his letter to you.

A. He did not know it from me.

Q. But he must have known, at the time he addressed to you a letter proposing to purchase the vessels, that you had authority to sell them, that the business had been put into your hands; otherwise, he would not have addressed the letter to you. Do you think you had authority at that time, at the time he addressed his letter to you, to sell the vessels?

A. I had no authority until I received the letter of the Secretary. I do not know when or where Swift wrote his letter or how he got his information. He did not get it from me, because I myself did not know I was to have anything to do with it until I received the letter. I did not know until I got this letter that I was to act in the matter. Then I got this bid, and I referred it to the Secretary of the Navy; he told me to accept it, and I immediately carried the thing out and was done with it.

Q. You think the bid was sent to you after you received your authority to sell?

A. I think so; otherwise I would have made some remark. I knew nothing of it until I got the authority.

COMMITTEE ROOM, CAPITOL, *May 9, 1868.*

Mr. FRANKLIN MERRITT affirmed and examined.

By Mr. EDMUNDS:

Question. Where do you reside?

Answer. At Stamford, Connecticut. I do business in New York.

Q. Are you acquainted with the two United States iron-clads called the Catawba and Oneoto?

A. I have never seen them, but I am familiar with their construction.

Q. You know that there are two such vessels?

A. Yes, sir; and I am familiar with their construction.

Q. When did you first have anything to do in the way of business or negotiation, respecting these two vessels?

A. I should think it was a year or more ago.

Q. What was that transaction to which you refer?

A. The builders of the Oneoto and Catawba and of the Tecumseh and Mahopac and some others had some unsettled bills for extras against the department, and they wanted to put them all in charge of some one person who would have them attended to. I was familiar with the construction of the vessels, and had known all the gentlemen for some time, and I had a claim of my own on another vessel, and while I was attending to one, could attend to the other.

Q. Your first connection with the vessels, in any way, was acting as the agent for extra claims in their construction?

A. Yes, sir.

Q. You were acting as agent of Alexander Swift & Co., of Cincinnati?

A. Yes.

Q. You think that was about a year ago?

A. It must be more than a year ago, I should think. I cannot tell the time exactly. There is nothing by which I can fix it.

Q. Did you some time in the summer of 1867, as the agent of Alexander Swift & Co., make an application to the Navy Department for authority to dispose of those vessels, and to put them in condition for disposition?

A. I did that some time during last year; but I have no memorandum to tell the exact time.

Q. Was that application in writing?

A. I think it was.

Q. Were you at that time the agent of Alexander Swift & Co.?

A. Yes; I was the agent for them in anything connected with the vessels.

Q. Were you interested in their affairs as connected with the vessels?

A. In that affair I was connected as attorney only. In the purchase of the vessels, I became interested.

Q. Was anything done with these vessels under that application which you made to the Secretary of the Navy?

A. There was nothing at all done.

Q. Did you not receive the permission which you sought for?

A. Yes.

Q. To move the vessels to a wharf?

A. We received permission to do what we pleased to put them in order for sale, on depositing a sum of money which would make the department safe in replacing them in case we did nothing further.

Q. Were you interested in the subject at that time?

A. Yes, sir.

Q. No price was agreed upon with the department at that time?

A. No price was agreed upon.

Q. Was any price talked about?

A. I do not think there was. I cannot remember whether there was. My recollection of the state of affairs then is, they doubted their authority to sell.

Q. The precise point to which I wish to call your attention is, whether any price for these two vessels was spoken of in connection with the expectation you seem to have had, after putting them in order, to purchase them from the department.

A. I cannot say as to that. There was very little said about it anyhow. There was an application made, I think, to the President for the purchase of them, and I think there was an assent given by the cabinet in some way authorizing the Secretary of the Navy to make sale of them.

Q. Who made the application to the President?

A. That was made by Secor & Co. and Swift & Co.

Q. What person acted for Swift & Co. in making that application?

A. I was here, and one of the house of Swift & Co. was also here. I did not devote any personal attention to the application. Just what was done in that matter, I do not know.

Q. Can you not remember whether anything was said in the course of that negotiation as to the probable price that you were to pay for these vessels?

A. The impression I had was this: that if I did anything it would be under a similar arrangement to that under which Webb and Quintard acted.

Q. That was to receive the vessels and to refund the cost, was it not?

A. There was no definite price fixed, but I think that was the idea. In that case they had to put the vessels in the same order they were received.

Q. Had these vessels ever been used?

A. No; I believe not. One was in commission, I think, but was not actually used.

Q. When you made this application to the department in August for leave

to move the vessels to a wharf and put them in order, according to such views as you had as to what you wanted to do, was anything said about the price?

A. You say "in August;" I take it for granted you have seen the paper.

Q. Yes; your letter is dated the 19th of August.

A. I do not think anything was said on the subject at that time. I have no recollection of anything. The application was simply to get the right at the time to put them in order in case we could sell them.

Q. You at that time had parties in view, or arrangements with parties for the disposition of the vessels?

A. We were negotiating for the sale of the vessels at the time.

Q. Have you succeeded in that negotiation?

A. We succeeded in making a bargain for the sale of these two ships to an agent of a foreign government, or a man representing himself to be an agent, and we presumed he was. We made a contract. A person went to the country with whom we supposed we had contracted, and came back and told us it was entirely repudiated; the presumed agent had transcended his powers altogether, and they entirely ignored the contract. So it stands to-day. We have the original in our possession, and if I had it here I would show it to you.

Q. When was the contract to which you are now referring made?

A. I cannot tell.

Q. When was it made in reference to the time of your application to the Navy Department for leave to move the vessels to a wharf?

A. It was about that time; whether before or after I really cannot say. I should think it was after that, but I am not confident.

Q. Are you interested in these vessels now?

A. I am interested in this transaction.

Q. Alexander Swift & Co. purchased them of the Navy Department on joint account with you?

A. Yes, sir.

Q. When was that arrangement between you and Alexander Swift & Co. made?

A. From the very first. The application was first made to me by them. I was their agent, and we had a joint arrangement for the selling of the ships. We endeavored to sell them before. It did not commence with the commencement of this transaction.

Q. You made the purchase of the vessels from the Navy Department on the 2d of April last, did you not?

A. About that time.

Q. Did you or Alexander Swift & Co. have any arrangement with any other parties for the disposition of the vessels to them?

A. We were under a contract to other parties for the vessels, if that is what you mean.

Q. You spoke before of a contract having been thrown up.

A. That was entirely repudiated. At the time of our purchase from the Navy Department we had another contract.

Q. With the same party that had repudiated the prior contract?

A. That, for business reasons, I would not like to answer.

Q. Do you decline to answer?

A. Excuse me for saying that if the inquiry is into the propriety of the purchase from us, I cannot see what difference it makes to whom the vessels are to be sold by us, or whether it is to the same party who repudiated the former contract. Of course it is to a foreign government,—no doubt about that. We should not certainly buy these vessels of our own government to sell them to it again.

[After consultation the committee concluded to suspend the question as to the disposition of the vessels for the present.]

Q. When did you first learn that these vessels were to be sold under the joint resolution of February 3, 1868?

A. The first I knew of it was when I saw the action of Congress in a newspaper in New York.

Q. What then did you do in respect to the affair?

A. I did nothing at all; I kept entirely quiet.

Q. How long did you keep quiet?

A. I kept entirely quiet until the advertisement came out inviting proposals.

Q. About what time was that?

A. I cannot state unless by a calculation. The bids were opened on the 20th of March; the advertisement was made for 30 days before that; so it must have been issued on the 18th or 20th of February.

Q. What did you do then?

A. About the 17th or 18th or 19th of March, a day or two before the bids were to be put in, I came to Washington.

Q. Before you came to Washington on the 18th or 19th of March, did you have any negotiation with any parties relative to the purchase?

A. None, except with my associates.

Q. Your associates were Alexander Swift & Co.

A. Yes.

Q. Did those associates then comprise any other persons than Swift and Ricker?

A. They composed that firm only.

Q. Are they the persons to whom you refer as your associates?

A. Yes, sir.

Q. Nobody else?

A. No one else.

Q. So that when you came to Washington on the 18th or 19th of March, you had had no conference or communication touching these vessels, after the advertisement, except with Swift and Ricker?

A. I am not sure. I think between those periods I may have spoken to somebody in the department on that subject, but never a word of the slightest importance or connection with the matter. I cannot say that I did not exchange a word socially about it.

Q. Minds may differ as to whether something that was said was important or not. Do you remember whether or not you were in Washington after the date of the advertisement and before you came here on the 18th or 19th of March?

A. My impression is that I was here when the advertisement came out. From the beginning to the end there has not been a single word passed between me and the Navy Department, or any one connected with the Navy Department, that I would not wish every one of you had heard. That I say under oath.

Q. Do you remember whether or not you were at the Navy Department between the 18th of February, which is the date of the advertisement, and the 18th or 19th of March, when you say you came forward to put in a bid?

A. I cannot answer. My impression is that I left Washington just before Lent commenced. It was about the 18th or 20th of February that I left here.

Q. How long had you been here on that visit?

A. I was here about a couple of weeks.

Q. Were you at the Navy Department during that visit?

A. I was.

Q. On what business were you there?

A. On the business of these claims for extras in connection with the whole class of vessels.

Q. In connection with these two?

A. They were embraced in the class.

Q. About how much was claimed for extras on these two vessels, above the amount the government actually paid to the contractors?

A. My impression is that it was \$17,000 on each.

Q. During the visit we are now speaking of did you say anything or do anything at the Navy Department respecting these vessels other than to press this claim of \$34,000 for extras.

A. There was nothing in the world to do.

Q. Did you, while here then, know or learn at the Navy Department that this advertisement was about to be issued?

A. I knew what the action of Congress was, that they had passed a resolution directing the appointment of a board, and directing the sale of the vessels, and I knew that that board were in the execution of their duties.

Q. How did you learn that?

A. I learned it as you or anybody else could, by asking at the department.

Q. Then you do remember now that you did inquire at the department respecting the action of the appraising board?

A. I must have done so.

Q. You said you did learn it there just as I could?

A. Understand me. I do not want to be misconstrued; and I wish to state anything in the world connected with it. It would be a sufficient answer to say that I have no recollection of speaking about it. I only know that in a business matter of that kind it would be perfectly natural that I should do so, and therefore I cannot say that I did not; but I have not the slightest recollection of one single word passing on the subject. If there was, it was a simple inquiry "Are the board going on?" I may have said "About when will the advertisement come out?" but I got no information that a perfect stranger could not have got.

Q. Now do you wish to withdraw what you said a few moments ago, that you learned that this board had been appointed and were executing their duties, and that you learned that at the department just as I or anybody else could?

A. No; I do not want to withdraw it.

Q. Do you mean to say now that you did, according to the best of your recollection and belief, get that information at the Navy Department or not?

A. I can only repeat that I have no recollection of a single word passing, and yet I think it altogether likely that I did. That is, as near as I can come to it. I have no recollection about it.

Q. Do you remember having had any conversation at all while you were in Washington on the occasion we are now speaking of, about the 18th of February, touching these two vessels?

A. I do not recollect it.

Q. You went home and then came on here, I understand, about the 18th or 19th of March; for what purpose did you then come?

A. To bid for the vessels; to be present at the opening.

Q. When you reached here on that occasion did you know whether any other bids had been made or not?

A. I did not.

Q. Had you heard or been informed that any other bids had been made?

A. No.

Q. Did you know or had you heard of any other parties whom you understood were intending to bid?

A. No.

Q. You put in a bid for \$801,050?

Q. Yes, sir; about that, I think.

Q. On what day did you file that bid?

A. On the day on which they were opened, about half past eleven o'clock.

Q. That was the 20th March?

A. The day of opening the bids, if that was the date.

Q. What time of the day were the bids opened?

A. Twelve o'clock.

Q. Did any other parties put in bids on that day?

A. I think that almost every bid was put in on that day. Usually all the bids are put in towards the close.

Q. Were any of the other bidders or their agents there in person, to put in the bids, or did they come by mail?

A. There were as many persons present in the room as there were bids, and more.

Q. I am speaking of the putting in of the bids before the opening.

A. There was no putting in. We just handed them in to the chief clerk.

Q. In writing?

A. Yes, sir.

Q. Did you yourself see any other bid handed in on that day except your own?

A. Yes; two were handed in after mine.

Q. Did you know who handed them in?

A. No.

Q. Were you informed who they were?

A. No.

Q. Did you ever see the men before?

A. Never. I never saw before one person who was there unless it may be one of the gentlemen who a few days before came in inquiring about the vessels.

Q. Did you know who he was?

A. I heard afterwards. I did not know.

Q. Who was he?

A. His name was Davis, I think. He came from Lewis Johnson & Co.

Q. Whom did you understand him to be representing, Fuentes & Co.?

A. He told me so afterwards. I never heard of one of the names until the bids were opened.

Q. At the time you put in this bid in your own name, was it for your own private account?

A. It was for the joint account.

Q. Of Alexander Swift & Co. and yourself?

A. Yes, sir.

Q. And as a matter of convenience you put it in that form?

A. Yes, sir.

Q. Where did you write that bid?

A. In my room, at Willard's.

Q. That day?

A. I think so, or perhaps the evening before.

Q. At the time you filed that bid with the chief clerk at half past eleven o'clock on the 20th March, did you know how much these two vessels, or either of them, had been appraised at?

A. I did not.

Q. Had you been informed?

A. No, sir; no more than you have.

Q. Had you been informed in any way?

A. Not at all.

Q. Did you receive no intimation or hint from any person?

A. No; I never had seen any of the board for a long time before, nor have I seen the only one of them I knew until within a week.

Q. You put in your bid; then, based on what you supposed the appraisal might be, and what you could afford to pay?

A. What I could afford to give, and what I supposed was more than anybody else would give.

Q. And I understand you to say that at the time, you and Alexander Swift & Co. were under contract for the disposition of these two vessels?

A. Under contract for the disposition of two vessels.

Q. Were the two named?

A. I think they were.

Q. What were their names?

A. Oneoto and Catawba—these two vessels.

Q. How soon was that delivery to take place?

A. No time was specified.

Q. Was that contract in writing?

A. Yes, sir.

Q. Are you willing to produce it?

A. The same reason would apply, of course, to prevent my answering that question as the former one.

Q. Was Mr. Swift or Mr. Ricker, or were both of them here on that occasion, the 20th of March?

A. They were both here about that time, and one of them on that day, and I am not sure but both of them.

Q. I suppose you had the usual consultations respecting your joint interests, as to what you could afford to give?

A. Of course we consulted and arranged the price.

Q. Did Mr. Welles or Mr. Faxon know that you were acting as agent of Alexander Swift & Co., respecting these vessels?

A. I had never exchanged but three or four words with Mr. Welles in connection with these two vessels. It was on one occasion only, and then only two or three words passed. I really cannot say that they knew I was acting as agent for Swift & Co. in this matter. I very likely may have signed some of the letters as "agent," in connection with this subject; otherwise they would not know. They may, however, have known it.

Q. Do you know or believe that Mr. Welles or Mr. Faxon, at any time before the 3d of April, knew that you and Alexander Swift & Co. were connected in a business way, either by joint interest or otherwise, in the project of obtaining these vessels from the Navy Department?

A. I cannot answer that. I certainly never told them so.

Q. You can answer as to your belief about it.

A. I can hardly tell; I never told them so. How do I know whether they knew or not?

Q. Have you no belief on the subject?

A. I cannot say that I have any.

Q. Were Swift and Ricker with you frequently at the department during this period of time, between the 20th of March and the 2d of April?

A. I do not think they were. I think they were not more than once or twice, according to my recollection. These things, however, would not impress themselves on my mind at all.

Q. Did you have any conversation with Mr. Welles on the subject of these vessels, or any matter connected with them, between the time when you arrived at Washington, on the 18th or 19th of March, and the 3d of April?

A. Never but the two or three words I have referred to.

Q. What were those words?

A. Those words were, "Mr. Welles, I am inclined to think most of those bids were bogus."

Q. When was that said?

A. I cannot remember the date, but during the interim you have mentioned.

Q. After the bids were opened, and before you became proprietors of the vessels?

A. Yes, sir.

Q. How did that conversation arise?

A. Just in that way, just as abrupt as that, and ended just there.

Q. How did he know what you were referring to, if there was no introduction or sequence?

A. That I cannot explain.

Q. You just made that remark right in the middle of some other conversation?

A. Just that one remark.

Q. What was the other subject you were talking about?

A. I cannot remember, but it had no connection with this matter.

Q. Where was it?

A. I think it was in the street. As I recollect, we were walking together.

Q. Did you have any conversation with Mr. Faxon between the 19th of March, when you arrived here, and the 3d of April, when you and your associates had become proprietors of the vessels, about them?

A. Yes; all my conversation in connection with the business was with him.

Q. When did you first see him after your arrival here on the 19th of March?

A. I think on the 19th of March; whatever day it was I came. If I came at night, the first time I would be likely to see him would be at breakfast next morning.

Q. When did you first see him at a time when you had any conversation with him on matters connected with these vessels?

A. That I cannot tell.

Q. How frequently did you see him during the period of time I am now referring to?

A. As a general rule, we took our meals together.

Q. Aside from taking your meals together, how frequently did you see him?

A. Not always at meals, because sometimes he dined with friends.

Q. How frequently did you see him, aside from your dining together?

A. That I cannot recall.

Q. Were you at the Navy Department nearly every day?

A. My impression would be that I was, and yet probably not every day. I saw him as often as there would be any change in the position of the business. When the highest bid was accepted all the others knew it. The bidders were present when the bids were opened, and as a matter of course the highest bid was accepted.

Q. My question was whether you probably saw him every time you went to the Navy Department?

A. No, I suppose not.

Q. Nearly every time?

A. That I cannot say, but I should suppose so. He is almost always in his room.

Q. Did you have any conversation with him on any subject connected with these vessels before noon of the 20th of March after you came here on the 19th?

A. I do not recollect. There was nothing to talk about, and I do not remember it.

Q. Do you remember any conversation with him respecting these vessels after noon of the 20th of March and before night of the 28th of March?

A. I have no doubt I had conversation with him.

Q. Can you remember any?

A. I cannot.

Q. Can you remember any one thing that occurred between you during that period of time, touching these vessels?

A. I would ask him, when the three days were up, whether the party had

responded to his bid, just as others asked the question. I met Mr. Davis there. He came, as I did, to keep the run of the business, and I have no doubt he got every information, and more probably than I did, and conversed as much with Mr. Faxon on the business as I did, I think.

Q. Can you remember anything that was said or took place between yourself and Mr. Faxon between noon of the 20th of March and night of the 28th?

A. I have no recollection. I cannot repeat one single word.

Q. Can you repeat the substance?

A. I can only say that there was nothing which would not have been said right out whether any person was present or not.

Q. Can you repeat the substance of anything that was said?

A. I have no doubt that I asked him whether the first man, whoever he was, had put up the 20 per centum, as required.

Q. What was your object in making that inquiry?

A. To get the run of the business, to see whether the vessels were going to be taken or not. If they were I was going to take two others. That was the object of my inquiry.

Q. Did the advertisement provide that the vessels should go along down to each bidder in the order of the amounts?

A. Not at all.

Q. Then why were you interested in inquiring whether the highest bidder had taken them?

A. Because if they were not taken then, although the lower bidder was not at all bound by his bid, (as, the first having been accepted, every other bidder was released, if he chose,) the department seemed to feel it their duty to offer to the highest bidder, just as any one would want to get a high price. It was their wish to do it, not mine.

Q. You made inquiry whether Daniels & Smith had deposited their 20 per centum at the end of three days, as the proposals required. What were you informed in answer to that inquiry?

A. I was informed that they had not.

Q. Did you ever hear of Daniels & Smith before that time?

A. Never.

Q. Have you any reason since to suppose that they were actual persons?

A. I have no reason to suppose there is such a firm. I have no knowledge of such a firm.

Q. Do you believe that to have been a fictitious bid?

A. I do.

Q. What would be the object of anybody putting in a fictitious bid?

A. I do not know. Of course I cannot say.

Q. Can you imagine?

A. I can imagine that they intended to sell, to force us to pay a higher price, but that, of course, is all imagination.

Q. That is to say, they might wish to force you to pay more than your bid, knowing that you had an outstanding contract for the sale of these vessels?

A. Supposing or hearing so. It was published in the papers.

Q. So you suppose this bid to have been put in by persons in order to sell out to you?

A. That is what I suppose.

Q. Can you imagine any other reason for anybody putting in fictitious bids?

A. I do not know.

Q. Suppose somebody wanted to break down the auction principle entirely, so as to get the vessels at private sale, would it not be for the interest of such a person to induce somebody to put in a fictitious bid, to whom it would be awarded, and then, inasmuch as the proposals did not bind anybody else, to have the whole bidding go for naught?

A. I cannot imagine any plan of that kind. I do not know whether such a scheme has been entered into or not. It never occurred to me.

Q. I am not alluding to that, but I ask whether a fictitious bid could not possibly be accounted for on that ground?

A. I suppose it might.

Q. You learned that Daniels & Smith had not responded. Who told you that? Faxon?

A. I am not sure, but I suppose it was he. The matter was in his charge.

Q. Having found out that Daniels & Smith had not come to time, what did you then?

A. I was told then that they would notify the next bidder, who was Russell.

Q. Had you ever heard of W. D. Russell before?

A. Never.

Q. Have you heard of him since?

A. Yes, I have heard of him since, because the department telegraphed and wrote him that his bid was accepted if he chose to stand by it, and if he did to put up the money within the required time. The first I knew of it was a despatch received from my office. I was in my hotel here, and a despatch was brought here to me, stating that a man had been in with a telegram in his hand saying "Russell has the bid; do you want to take his place," or "buy it," or something of that kind.

Q. That was a despatch to you?

A. Yes; from my office.

Q. From what person?

A. From my clerk.

Q. What is his name?

A. Titus Merritt.

Q. What is his address?

A. At my office, No. 7 Wall street.

Q. What day was that?

A. I cannot tell; I should think the 23d or 24th of March; the 24th perhaps, about that time.

Q. What did you reply?

A. I never made any reply.

Q. You say the department telegraphed and wrote to Mr. Russell, after Daniels & Smith had fallen through. How did you know that?

A. I immediately took this despatch and went up to Mr. Faxon, and then I learned that they had that morning telegraphed to Russell.

Q. What did Faxon tell you on that occasion?

A. He said, "That is singular; I have just telegraphed him." This despatch came to me, I think, before they got a response from him.

Q. You spoke about the department having written to Russell also. How did you learn that?

A. They told me they had telegraphed and written to him that day.

Q. Did they show you a copy of the despatch and letter?

A. Oh no, neither.

By Mr. WILLIAMS:

Q. How did Titus Merritt learn that the bid had been awarded to Russell?

A. He came to the office. It was known that I was a bidder. Every one who was in the room at the department when the bids were opened took a memorandum of the bids that were opened. There were other vessels bid for, not of this class though. They knew I was a bidder.

By Mr. EDMUNDS:

Q. Whom do you mean by "they?"

A. Russell & Co. They would know by having the memorandum. This was telegraphed to some one in New York, who would not give his name, but

took the despatch and showed it to my book-keeper, and my book-keeper telegraphed to me.

Q. Then Russell & Co. was a firm in the city of New York?

A. I do not know. I think they hail from Newark.

Q. Do you know the firm of Corleiss & Co., of New York?

A. I do not. I have heard of such a firm.

Q. Did you ever learn that Russell was connected with Corleiss & Co., and acting for them?

A. I had reason to believe, as the thing went along, that they were pretty nearly all connected in some way or other.

Q. That is, Russell and Corleiss & Co.?

A. Yes; and perhaps some of the others.

Q. Which of the others do you allude to?

A. I think some others. Is there not a bidder there named Terry?

Q. Do you know him?

A. No.

Q. First, as to Terry, do you know any such man?

A. I do not.

Q. Have you been informed that there is such a person in existence down to this day?

A. No. A person told me that some one represented that name; but, to use his phrase, the man himself had not \$100 in the world.

Q. Do you mean that the man you heard of was really named Terry, and not responsible, or that there was no such person?

A. As far as I know and have heard, there is no such person.

Q. As far as you have heard, is there any such firm as Partridge and Perry?

A. I have not come in contact with them, nor can I find any one that has. I have made no particular search, however.

Q. Have you ever heard of any such persons being in existence?

A. I have not.

Q. Do you believe them to be fictitious persons?

A. I ought not to say that. I remember now a person came to me and told me that Partridge and Perry wanted to know what I would do—approached me in some manner of that kind.

Q. When was that?

A. I cannot give the date, but it was in this interim.

Q. Before the 3d of April, and after the 20th of March?

A. During that period.

Q. Who was that person?

A. A Mr. Ryan.

Q. What did he say to you?

A. He came to me and said that Terry had made some communication to him about this.

Q. Now you are speaking of Terry; I was asking about Partridge and Perry.

A. I connected them with this. Ryan gave me the names of Partridge and Perry; but he gave me the price of Terry as being their bid, by which I connected them. I crossed them in that way in my mind, and I said to myself, "That party crowd, whatever it is, have got these two bids."

By Mr. VAN WYCK:

Q. Did he speak of both?

A. He spoke, I think, of Partridge and Perry, but he gave the price of the bid of Terry.

Q. Then he spoke of the three persons and the two bids?

A. No; he ran them across.

By Mr. EDMUNDS :

Q. What did he say to you about Partridge and Perry ?

A. They wanted to know whether, if they took these vessels, I would like to exchange them for two others. That was the language.

Q. You have not brought in anything about the price yet ?

A. He gave me the price of their bid.

Q. What did he say about it ?

A. He said : " If they should take these vessels, would you like to exchange them for two other vessels ? " I said : " Yes, if they take them. We have talked about these two ships, and would rather prefer them, but it makes no special difference to us whether we have these or the others ; but yet we have talked to those with whom we are negotiating for these two ships, and we would prefer them. "

Q. You have not mentioned price yet ?

A. I cannot tell you the price.

Q. You have not introduced into Mr. Ryan's conversation anything that he said about price. How came the price to be referred to ? Did you ask him ?

A. No. He said their bid is so and so.

Q. How much did he say it was ?

A. I do not know. If I had the list I could tell. He gave me the name of one concern and the bid of another.

Q. Mr. Faxon having told you that he had written and telegraphed to Mr. Russell that he could have the vessels at his bid, did he also tell you how soon he required Russell to make the 20 per cent. deposit ?

A. I think it altogether likely he did, because it would be, by the terms of the advertisement, in three days. I am not sure that he told me. I am not positive whether I asked him or not.

Q. How soon after that conversation, which occurred on the day when you received the despatch from New York, did you have any further conversation with Faxon on the subject ?

A. I presume not until the expiration of those three days.

Q. At the expiration of those three days you learned from him that Russell had not deposited his 20 per cent., and that he was therefore out ?

A. Yes.

Q. What did you do then ?

A. I then went to my room. I thought that the department then might properly consider that the bids need not be regarded any further ; and I wrote a letter to the department offering to renew my bid or stand by my bid, provided that they would accept within that day or the next day. As there were several bids still above mine, I made this offer, feeling that they might be disposed to take the responsibility of accepting it, if they believed that all the other bidders would fail to respond.

Q. Why was it material to you that it should be accepted that day or the next ?

A. It was material, because I was not going to put myself into a position to have my bid accepted after everybody else had declined.

Q. Was not your bid the lowest ?

A. It was the lowest. The bids, of course, were all off if the parties pleased.

Q. Then your only motive for requiring an acceptance of it that day or the next was that you did not want to give that price, unless somebody else, whose bid was above yours, was likely to take the vessels ?

A. No ; I felt it was a bare possibility. I felt satisfied that nobody would put up the money ; and if the department felt disposed to take the responsibility of accepting my bid then, I was willing to give them that price, and I sent certified checks with my proposal.

Q. You knew at that time, or supposed, as you were kept informed, that

Fuentes & Co. were not yet ruled out, and that Terry was not ruled out, and that Partridge and Perry were not ruled out; that the only persons ruled out were Russell, Daniels, and Smith?

A. The two highest; none of the others were ruled out.

Q. Now, if I correctly understand you, your object in limiting your offer on your lowest bid to that day or the next was to compel the department to take it before these other bidders' time had been exhausted within which to deposit their 20 per cent.?

A. If I made that offer I would bind myself, provided they would give me something. If they would give me the ships, then I would bind myself to take them; but if all above me were to withdraw their bids, there was no object in my doing it, because there was no bid below me.

Q. Did you not want the vessels?

A. I wanted them, but that was no reason I should pay that price if I could get them for less. I did not know how much less I could get them for. It might have been \$1,000 or \$20,000. I knew they could not sell them below the appraisement, and by offering to accept my offer, I knew it to be above the appraisement.

Q. What offer?

A. My bid was within the reach.

Q. Do you mean that they accepted your bid of \$801,050?

A. They would have accepted it if there had been none higher.

Q. You say you did not want to stand on your bid, unless somebody above you was likely to take the vessels; that is, if the others above you did not stand, you being the lowest bidder, did not want to be bound by your offer?

A. Of course not.

Q. And yet you wanted the vessels? How did you know or expect that the department were going to sell the vessels at private sale for anything lower than the lowest bid at auction?

A. Because the law directed them to sell at the appraisement.

Q. Are you sure that the law directs the Secretary of the Navy to sell at all, except in his discretion, at not less than the appraisement?

A. That is what I supposed it to be.

Q. How did the law bind him to sell at the appraisement?

A. I supposed it did, if there were no bids.

Q. Did you look at the law to see?

A. I read it.

Q. A good many times?

A. Only once.

Q. About this period?

A. When it first came out; never since.

By Mr. BENJAMIN:

Q. Did you know what the appraisement was at that time?

A. I did not.

Q. How did you know that your bid was above the appraisement?

A. I asked the question if the bid would have been accepted if there were no higher ones, and I was told that it would have been.

By Mr. EDMUNDS:

Q. When did you ask that question?

A. I cannot now tell. You can understand that such questions are asked.

Q. Can you fix it in reference to your talking with Faxon about the despatch to Russell, and his reply? Was it before or after that?

A. It is impossible for me to fix the time when I asked it. I have no recollection of asking it, but I have no doubt I did at some time, and learned that that bid, if there had been no others, would have been accepted.

Q. Where was the 20 per cent. to be deposited by the first advertisement?

A. To the credit of the Treasurer of the United States.

Q. Where?

A. Either in New York or Washington. They would take a certificate from either.

By Mr. VAN WYCK:

Q. Had you any information from any one that if the bids were not accepted there would not be a new advertisement for further bids?

A. I did not think there would be.

Q. Then in not standing by your bid of \$801,050 you ran the risk of having new advertisements and new bids?

A. I ran whatever risk there was in it.

Q. Had you any intimation from any source that led you to believe that there would be no proposals for new bids?

A. I never heard that there would be.

Q. Did you have any information that there would not be?

A. I knew that the other vessels of this class were put in Mr. Lenthall's hands for sale—those that had been advertised and not bid for. That was all I knew about it. All that were bid for were kept in the hands of Mr. Faxon; those not bid for were put in the hands of Mr. Lenthall, chief of the bureau.

Q. And no advertisement for new bids made?

A. Not that I have ever seen.

By Mr. EDMUNDS:

Q. Then the result is that you expected, if nobody else above you got the vessels, you would get them at the appraised price, which you understood to be lower than your bid?

A. Any child could see that. I did not need any information about it as I understood the matter. As there was nobody below me, of course the vessels being for sale at the appraised value, anybody could get them. Any one of these bidders could have come in and taken them at the appraised value.

By Mr. VAN WYCK:

Q. When you limited the department to two days, in which to accept your second offer, \$801,000, did you know what the appraised value of the vessels was?

A. I did not. I never knew until after the final offer was made. I only knew that it was an acceptable bid.

By Mr. EDMUNDS:

Q. That was equivalent to knowing that the appraised value was below that?

A. Yes, sir.

By Mr. VAN WYCK:

Q. How did you learn the fact that your bid would be acceptable?

A. I presume by asking the question of Mr. Faxon.

Q. Was that before you restricted the department to the two days in which to accept your offer, that you knew that your bid was acceptable and therefore above the appraised value?

A. I cannot tell when I knew it.

Q. Did you know it from the fact that you were restricting your bid to two days?

A. I ought not to say that I knew it at all; I inferred it.

Q. When did you infer it?

A. From the instant it was opened.

Q. You inferred, then, that your bid was above the appraised value of the vessels?

A. I inferred that; I do not know for what reason.

By Mr. EDMUNDS :

Q. Do you mean now to say, after all, that you were informed by anybody that your bid would be accepted if no higher one came forward, or not ?

A. I have no recollection of being informed directly of that.

Q. Indirectly ?

A. Nor indirectly. I have no recollection on the subject, and yet I felt that that would be an acceptable bid had it been the highest. I had that feeling in my mind ; but how I got it, I do not know—whether by information or by asking the question directly, I do not know.

By Mr. BENTON :

Q. I thought you said that you were informed that your bid would have been accepted, if there were none higher ?

A. I may have been. You can readily perceive that a conversation of that kind occurring a month ago, with no idea that it would ever be brought up again, would not be very clearly remembered.

By Mr. EDMUNDS :

Q. Did you think these vessels worth the \$801,050 which you bid for them ?

A. I really cannot tell. I thought then that if I could not get them for any less, I would pay that for them.

Q. You thought they were worth it to you ?

A. I supposed them to be worth it to me.

Q. The 20 per cent. you deposited was \$175,000 ?

A. I had the checks to that amount.

Q. Whose money was that ?

A. That was money belonging to myself and associates.

Q. Was that the same money that was afterwards deposited as 20 per cent. on the private sale ?

A. It was from the same fund.

Q. Checked out from the same fund ?

A. Yes, sir.

By Mr. BENTON :

Q. Were the same checks used in both cases ?

A. They were.

By Mr. EDMUNDS :

Q. You received on the 28th of March a reply to your application to purchase at your bid, declining it and returning your checks ?

A. Yes.

Q. Did you have any conversation with Mr. Faxon about anything that you remember, between the time you wrote your letter and the time you received back your checks ?

A. I think I did have. I think he told me verbally that they could not accept it ; that if they should do it, every one of the bidders above me would assert positively that they would have made good their bids.

Q. He told you personally that they could not accept it ; did you say anything to him in reply ?

A. I cannot remember.

Q. Did he tell you that he was going to write a letter on the same occasion to yourself and the other bidders, asking you if you wanted to take the vessels at your bid if the others did not deposit the 20 per cent. ?

A. My impression is that he did.

Q. Have you any doubt about that ?

A. There were no more than the few words that would naturally transpire.

Q. Tell us what those few words were ?

A. I will give you every word from beginning to end that I recollect, but I cannot recall one word of that conversation.

Q. The letter which you received on the 28th of March gave you three days, that is to the 1st of April at noon, to deposit the money?

A. It gave three days to all.

Q. Between the time you received that letter of the 28th of March, giving you notice that if you wanted the vessels at your bid, subject to the higher ones, you must make a deposit of 20 per cent., and the 1st of April, did you see Mr. Faxon?

A. I saw him repeatedly; but you mean of course on this business. I have no recollection of exchanging a word with him about it during that time. There would be nothing to talk about until the time came around.

Q. When did you first ascertain that none of the bidders above you had come to time by the 1st of April at noon?

A. About half past twelve or one o'clock that day.

Q. Were you at the department on that day?

A. I went to the department to ascertain that fact.

Q. At what time did you go there?

A. In the middle of the day.

Q. Before twelve or after?

A. A little after twelve o'clock.

Q. Are you sure you did not go up with the means, if necessary, to make your deposit and take the vessels at your bid on that day?

A. I did not. I had decided positively not to take the vessels at that bid.

Q. When did you decide that?

A. As soon as I got the circular letter for all to put up their money.

Q. What led you to that decision at that moment—any conversation that you had with anybody?

A. Not the least.

Q. Did you consult with your associates?

A. I did with my associates.

Q. And you concluded that you would not take the vessels at that bid?

A. Yes.

Q. And the reason was, as you stated before, that you expected to get them at private sale at a less price, you having contracted to dispose of them?

A. Yes.

Q. You made inquiry on the 1st of April as to whether any of the other bidders had taken the vessels?

A. Yes.

Q. What did you expect to do if any of the other bidders had taken them?

A. Then we should have taken two other vessels.

Q. Would those have answered your purpose?

A. Yes.

Q. I understood you to say that your contract was for these two identical vessels?

A. These vessels were named, but there were six other vessels just as nearly alike as two pennies coined of the same coinage; these vessels had to have a name and they were named.

Q. Were the other vessels built by the same builders?

A. They were built under the same printed contract precisely, but not by the same builders.

Q. Were they built at the same place?

A. Two others were built at the same place.

Q. What others were built at Cincinnati?

A. The Tippecanoe was one; and two were built at Pittsburg, I think.

Q. In your contract to dispose of these two vessels, was any provision made that if you could not obtain these two, you should substitute two others like them?

A. There was not.

Q. Had you any means of knowing that any other two vessels than those which had been contracted for would answer the contract, except as you inferred?

A. No other reason than the common sense view that two identical things being the same article, with merely a change of name, must answer.

Q. Why did you bid particularly on these two if the others would answer your purpose just as well?

A. For the reason that they were named in our contract.

Q. You were told on the 1st of April, when you went up to the department about noon, that none of the bidders had deposited, and that the public part of the sale was up?

A. Yes.

Q. What was said then on the subject?

A. I was then told these vessels would be put with the others in the hands of Mr. Lenthall.

Q. Who told you that?

A. I presume Mr. Faxon did.

Q. Had you on the occasion when you went up to see Faxon on the 1st of April about noon, or had Swift & Co., drawn up an offer for these vessels at \$740,000 or any other sum?

A. No.

Q. When was that offer drawn up?

A. I am not sure whether that evening or next morning, but my impression is the next morning.

Q. Was anything said between you and Mr. Faxon on that day as to whether you would endeavor to purchase them at private sale?

A. I have no recollection.

Q. Did Mr. Faxon ask you at any time during these transactions to take the vessels at your bid of \$801,050?

A. Nothing more than the circular.

Q. In conversation did he urge you to suspend your point of having an answer that day to your offer of \$801,000?

A. I do not remember that he did. It would not have had the slightest effect if he had.

Q. Who carried to the department the letter of Swift & Co., offering to buy these vessels at private sale?

A. Mr. Ricker.

Q. You were there on the day it was carried?

A. I was there during the day. I did not go up with him when he took the letter.

Q. Did you have a conversation with Faxon on the subject?

A. I had not. I did have a conversation with Mr. Lenthall in company with Mr. Ricker.

Q. What did Lenthall say to you about the price?

A. That letter must have been on the 2d of April, for the letter was written after the conversation with Mr. Lenthall.

Q. Did you offer any price in the first conversation?

A. Yes; we offered to take them at the appraisement.

Q. What did he say?

A. He said, "Make a written offer."

Q. Did he know what the appraisal was then?

A. Of course, I supposed he did.

Q. Did you know?

A. I did not know whether it was \$1,000 less or \$20,000 than my first bid.

By Mr. VAN WYCK :

Q. Did you know it was less ?

A. Only by inference from the fact that my bid was acceptable. That was all.

By Mr. EDMUNDS :

Q. What did Lenthall ask for the vessels when you offered to take them at the appraisement ?

A. He said " No ; you must give your \$801,000 for them."

Q. What did you say ?

A. I said we would not do it.

Q. Lenthall knew, then, you and Ricker being there together, that you were there on joint account ?

A. He may have known it ; he would naturally suppose so. And still he might not, as he knew me as agent in the other business.

Q. It was a matter you did not attempt to conceal ?

A. I made no attempt to conceal it, nor did I tell it ; I just supposed he knew.

Q. Did Faxon know on the same day ?

A. I can only tell you that it was quite possible that he did ; although knowing me as agent for S. & Co. he might not have given the matter any thought.

Q. The written offer to take the vessels, had the appraisement been carried up the next day by Mr. Ricker—were you there on the day that offer was carried up ?

A. Yes, that is the day I am speaking of.

Q. I thought you thought you saw Lenthall the day before ?

A. No ; before the offer was made on that day.

By Mr. BENTON :

Q. Did you assign that as a reason for the letter being dated the 2d of April that you had a conversation on the 1st of April ?

A. I think we had a conversation with him on the afternoon of the 1st, and he said the vessels had not come to him yet, or something of that kind.

By Mr. EDMUNDS :

Q. You went down to him to arrange them on the same day, and he said the order had not come ?

A. That is my recollection.

Q. You had been told up stairs that you were to negotiate with Lenthall ?

A. Faxon said, " I have nothing more to do with this now ; it goes to Lenthall."

Q. And so you went down to see Lenthall the same afternoon ?

A. Yes, sir ; and he said he had not got his orders.

Q. Then you chattered about the price, and next day brought up a written offer ?

A. I do not think much was said about price that afternoon, but next morning we went in and talked backward and forward about the price, and he said, " Put in your price in writing." Then we went to my room and wrote it.

Q. Why did you not put in the offer to purchase at private sale in your own name, just as you did the bid ?

A. When the offer was drawn up Ricker said, " Shall I sign this, or you ?" I said, " It does not make any difference ; you sign it." It made no difference to us.

Q. Why did you tell Ricker to sign it ?

A. No reason, except that he was writing it.

Q. He happened to have the pen in his hand ?

A. He sat there, and was writing.

Q. The offer having been drawn up, did you go back to the Navy Department that day ?

A. I went with Mr. Ricker. My recollection now is that I did not go up immediately with Mr. Ricker. Mr. Ricker went up with the letter, and I came in soon after.

Q. You went to Lenthall's room?

A. Yes.

Q. And Ricker was there?

A. Yes, sir.

Q. And he had the written offer?

A. We had a conversation together. Whether Ricker was there when I came in, or not, I cannot say.

Q. But you and Ricker, with the offer in hand, conversed with Lenthall before it was accepted?

A. Yes.

Q. What was that conversation?

A. It was a natural conversation, as if you were buying a horse, or a house, or a ship.

Q. You were bantering up and down; he wanted more, and you offered less?

A. Yes.

Q. What did he finally decide that he would do?

A. After I told him we would not take the ship for more than that; that he could keep the ship and we would keep our money, he using all the force he has, and it is pretty good, to induce us to pay more; I assured him that we would not pay more, (and we would not have taken the ships,) he decided to let us have them.

Q. When you told him you would not take them, what did he say?

A. He then considered the matter, and after a good deal of talking backward and forward he accepted the offer.

Q. What time of day was that?

A. It must have been about noon. I was endeavoring to get off, and I think it must have been about noon.

Q. A little before or after? You had been here and had one interview about 10 o'clock, I suppose, and you went back to your hotel and drew up the offer. Now you think the second time you were up with your written offer was about noon?

A. No; it must have been before noon.

Q. Then the thing was closed before noon of that day?

A. About noon.

Q. Before you left the office?

A. The bargain was closed, and Mr. Ricker went and made the deposit.

Q. After you brought up this offer did you have any conversation with Faxon?

A. Not before it was closed. There would be no more use to talk to him than to you at that time.

Q. Did Mr. Lenthall go up and consult with Faxon or the Secretary?

A. I do not remember. He left the office and came back.

Q. How long was he gone?

A. I cannot tell you.

Q. You waited for him?

A. Yes.

Q. And got the whole matter closed before noon of that day?

A. Yes.

Q. What did you do then?

A. I went to New York on the first train.

Q. The half-past 12 train?

A. I believe so. I have sometimes gone in that train, but whether I did that day I cannot say.

Q. Who deposited the money?

A. Mr. Ricker.

[The witness having retired, the committee consulted as to the propriety of putting the question heretofore waived for the time being.

The witness having returned, he was notified that he must state when the contract made by his associates and himself for the sale of the vessel was made, and with whom.]

A. I cannot answer when it was made.

Q. About what time? About the 3d of October, 1867?

A. I should think not so early.

Q. How much later than that do you think?

A. I should suppose it to be about the middle of October. I think it bore date about that time. It was not made in this country.

Q. Who were the parties to it?

A. I hope the committee will not force me to answer that question. At any rate I should like to have time to consult with my associates before answering it.

[After consultation, the committee decided to allow the witness a week in which to consult his associates as to answering the question.]

COMMITTEE ROOM, CAPITOL, *May 15, 1868.*

GUSTAVUS RICKER sworn and examined.

By Mr. EDMUNDS:

Question. Where do you reside?

Answer. In Covington, Kentucky, opposite Cincinnati.

Q. Are you a member of the firm of Alexander Swift & Co.?

A. I am not a partner of Alexander Swift & Co. I have been connected with the house ever since it has been in existence, but I am not a member of the firm.

Q. Have you an interest in its business?

A. I may have. I have not legally.

Q. In what other way?

A. I have been embarrassed, and I have been doing business for Mr. Swift. I furnished no capital, but I had the power of using the name of the firm.

Q. And you get a certain compensation, I suppose?

A. I have only had a salary. I do not know what I may have in future.

Q. Have you been authorized to act for Swift & Co. in respect to the iron-clads Oneoto and Catawba?

A. Yes, sir.

Q. You have had full authority to act for them in respect to those ships?

A. Yes, sir.

Q. In all that you have said or done in regard to them you have had that authority?

A. Yes; I suppose I may say I have been authorized to do that. I contracted for the ships when they were built. Alexander Swift & Co. were the contractors. I was the party that contracted, and that turned them over to the government and collected the money.

Q. Now, in respect to the disposal of them by the government, have you had the same authority?

A. I had nothing to do with the purchase of them from the government, except in the early summer of last year, after the sale of the Dunderberg and Onondaga. Quite a number of contractors then made an effort to get the privilege of selling their ships. There were some four or five of the contractors to my knowledge, ourselves among the number, that sought the privilege of selling ships, and that was conditionally given to all of us. We corresponded very freely with foreign

powers—all of us, I think, who were connected with the river and harbor batteries or the Canonicus class of ships.

Q. As I understand you, you had authority from the Navy Department in the summer to sell these two vessels?

A. We had partial authority.

Q. What do you mean by "partial authority?" Describe the authority you had?

A. They said, "If you come to-day and take these ships you may have them."

Q. Was that all?

A. They would not give us any assurance that we could have them at any future time.

Q. What did you offer to pay for the vessels?

A. We did not offer to pay anything for them.

Q. What price did you talk about?

A. The price that they asked was the contract price and the extra work.

Q. What price did you talk about offering?

A. We did not offer any.

Q. What price was considered and spoken of?

A. That was the only condition. They said they probably would sell them; and if we were prepared to give that price we could have them that day.

Q. What did you say in reply to that?

A. We asked to have six months or a year, as Mr. Webb had in regard to the privilege of selling the Dunderberg under the act of Congress, but the department said no. Mr. Quintard had an indefinite time.

Q. When the department said you could have the vessels at the contract price and extras, what was said on your side in respect to the price you were willing to give under any circumstances?

A. I do not recollect making any such offer.

Q. Did you make any offer at all?

A. No.

Q. Do you recollect saying anything on the subject of price on your side?

A. I do not recollect, so far as I am concerned, making a single offer.

Q. What did you then consider the vessels to be worth?

A. I hardly know how to answer that. If you ask me what a power that was at war and wanted a ship would be willing to pay, or what a person who was going to build a vessel of that kind to-day could do it for, I could give you my ideas. I presume these vessels could be built to-day for less, at all events, for not anything more than what was paid for them, together with the additional outlay that would be required to put them in order. I presume contracts could be made for three or four ships at that figure. The value would be about the same, no higher then, I suppose, than it is now. I would say that the ships were well sold for that.

Q. Have you finished your answer?

A. I want to get any further ideas from you as to whether it is satisfactory.

Q. Entirely unsatisfactory; you have evaded the question.

A. I do not wish to evade it.

Q. The question I put to you is what you then considered these vessels to be worth, when you were negotiating with the department for leave to sell them in the summer?

A. It depends on what was to be done with the ships.

Q. With the view you had of their disposition what did you consider them worth?

A. If we could have got them and made a little on them, we should be disposed to do it. If we could not we should not have done anything. We were not compelled to take the ships at all. The real cost of the ships, the value of

the ships, if that is what you wish to get at, as I understand it, is this : each could be built to-day or at that time for \$450,000.

Q. That is not the question. I ask you again, distinctly, what at the time you were negotiating at first in the summer to obtain these vessels you then considered that they were worth ?

A. I should not consider them worth over \$400,000 apiece.

Q. Was anything said by you, or by Mr. Merritt, or by Mr. Swift, on the occasion of these negotiations with the department in the summer, touching any sum that you would be willing to give ; not an offer in form ; any conversation on the subject or information to the department on the subject of what sum you would be willing to pay for the vessels if you could have them ?

A. Mr. Merritt had all the management of that case, and I had nothing to do with it.

Q. Do you mean to say that you do not know ?

A. I mean that I do not know. He said what he would give for them. I do not presume a word passed between Mr. Swift and the Navy Department ; but that I do not know.

Q. Did you say anything on the subject of the value of the vessels, or what you might under any circumstances be willing to give in the summer ?

A. I have no recollection of it.

Q. You say that since that occasion you have had nothing to do about that ?

A. With the department, no, sir. Mr. Merritt was an associate of Alexander Swift & Co's., and he telegraphed to Cincinnati, and Mr. Swift sent me on to New York.

Q. What was the date of that telegram ?

A. That was early in the summer, perhaps about July.

Q. I wish now to come down to the recent sale this spring. You have already spoken of your connection with the matter in the summer ?

A. That was the despatch. It was through Mr. Merritt that Alexander Swift & Co. became connected with the matter.

Q. Now I ask you if you had anything to do in respect to these vessels in the month of October last ?

A. Yes, sir.

Q. What did you have to do with them ?

A. I have attended to the matter outside of this country.

Q. What do you mean by "the matter ?" You did not purchase the vessels in the summer, I understand ?

A. No, sir.

Q. And came to no terms with the department, as I understand ?

A. No positive terms with the department.

Q. Did you come to any that were not positive ?

A. The department said this : " We presume you can have the ships, and if you take them to-day you shall have them." That was my understanding of it. There may be other things which I do not know. We were willing to see what could be done upon that position.

Q. That is upon the basis of the department's offer of the cost and extras ?

A. Yes, sir.

Q. With that view you entered into negotiations with other parties, as I understand ?

A. That was their view, I believe. I do not know that the price was in fact fixed. I am not positive about that, because I had so little to do with it.

Q. What is the best of your recollection ?

A. My impressions are that that was about the condition of it.

Q. Did you get any permission from the department to moor these vessels at a wharf with a view to certain alterations and improvements ?

A. I believe there was such a permission, but I did not see it. I have no recollection of seeing it.

Q. Do you remember any talk of that kind?

A. I think Mr. Merritt said that. That is my impression.

Q. Did you know at that time what alterations you wanted to make? Were you under any engagements then in respect to these vessels?

A. I cannot say that we were under engagements, and I cannot say that we were not under engagements. There were some conditions which had not been complied with.

Q. Had not been complied with by which side; by your side or by the other party?

A. Not by ourselves.

Q. Suppose those conditions had been complied with, were you under engagements then?

A. I presume we considered ourselves under engagements then.

Q. In other words, you mean to say that you had a contract with somebody to deliver these vessels after making certain improvements or changes?

A. We had a conditional contract, or an arrangement which would perhaps be called a contract, the conditions of which, if neither party had broken them, would have bound both parties.

Q. That is the case with most contracts, is it not?

A. But the contract was not complied with.

Q. Did that contract provide for any alterations or changes in these two ships?

A. My impression is not; not very greatly.

Q. I did not ask whether very greatly, but whether any?

A. I cannot answer positively with regard to that.

Q. What is your best belief?

A. My impression would be that there was not any fixed, definite plan, and yet there may have been.

Q. If there was not, as I take it you now mean to have us understand, what object had your firm in getting permission to float these vessels to a wharf to make alterations?

A. That was a later date than the contract.

Q. State what the object was.

A. If the conditions of the contract were complied with, which we expected to have been complied with long before they were, then there would have been some alterations to be made.

Q. Why would there have been?

A. Because some parties had seen the ships and wanted alterations made.

Q. Then the object of getting them to a wharf was to put them in the condition you agreed to put them in?

A. Yes, sir; but that was not in the contract.

Q. What was it in?

A. It was after parties had examined the ships, and some of them wanted some changes and alterations.

Q. It was after the first contract, then, that you agreed to make those changes?

A. We did, on certain conditions.

Q. Were those agreements in writing?

A. No, sir.

Q. None of them?

A. Not as to the changes.

Q. As to the vessels?

A. There was a contract in writing for the ships.

Q. Who made that contract on the part of Swift & Co.?

A. I was the party that was sent to make the contract.

Q. Did you make it ?

A. I made it with the aid of some other parties.

Q. Who signed it on the part of Swift & Co. ?

A. I signed it.

Q. Where is that contract ?

A. It is in Cincinnati.

Q. Who were the parties with whom you made it ?

A. I would rather you would not ask me that question. I have particular reasons for not answering it. I do not wish to evade it, but I would like a little time to consider the question. I presume it will not be long before you get the information.

Q. How much time do you want ?

A. Some time next week, perhaps a whole week. Mr. Swift is at New Orleans.

Q. How long have you been informed of the pendency of this investigation ? When did you first hear of it ?

A. I first heard of it on Saturday last. The first thing I saw of it was in the papers.

Q. You have had communications about it with your colleagues ?

A. I have had no reply from Mr. Swift yet.

Q. You have had communication with Mr. Merritt ?

A. I have seen Mr. Merritt.

Q. Who else besides Merritt and Swift and yourself are concerned in the firm of Alexander Swift & Co. ?

A. There are two or three other parties.

Q. Who are they ?

A. Is that an important question for me to answer ?

Q. It will be necessary for us to decide that.

A. Why not carry that over with the other question. So far as I am concerned, however, I have no objection to answering all these questions.

Q. Then you had better answer immediately.

A. But the other parties prefer that I should not.

Q. The question now simply is who are your associates in the firm. That is all I am now asking.

A. You mean the firm of Alexander Swift & Co. Mr. Merritt is not a member of that firm.

Q. I ask who else besides yourself, Merritt and Swift, are concerned in the firm of Alexander Swift & Co., either as partners, or as holding the anomalous condition that you describe yourself and Mr. Merritt to hold ?

A. The firm of Alexander Swift & Co., was composed of Mr. Seth Evans and Mr. Swift. They started the manufacture of iron under that firm name several years ago, and it has been continued ever since. Mr. Evans went out I think in 1864, but the name of the firm has been continued right along. Nobody but Mr. Swift and myself have been since connected with the house of Alexander Swift & Co., proper, but I have not been a partner, as I have explained to you my position. As connected with Alexander Swift & Co., in the sale of these ships there are some other parties.

Q. Associates ?

A. Yes, sir ; associates.

Q. Who are they ?

A. Do you insist upon my answering the question ?

Q. Certainly.

A. Mr. Secor.

Q. Of New York ?

A. Yes, sir.

Q. What is his first name ?

A. Zeno.

Q. Anybody else?

A. Charles and James Secor, I suppose, are associated with him in their business.

Q. Anybody else?

A. Not directly.

Q. What do you mean by that?

A. Mr. Swift's son has a little interest in the business, which I did not think of at the time; but there is no party of any account.

Q. Who else besides Mr. Swift's son?

A. I do not know that Mr. Swift's son's position is defined at all. There is nobody else that I know of.

Q. Then you mean to say that all the persons who, directly or indirectly, are interested in the purchase of these ships from the Navy Department are Swift, yourself, Merritt, the Secors, and possibly Swift's son?

A. I would not put Mr. Swift's son in; for he is not recognized as a partner, although he uses the name of the firm.

Q. You mean to say that the other persons you have named comprise the whole of those associated, directly or indirectly in any way, or who are in any wise interested in the purchase of these vessels from the Navy Department, do you?

A. These are the parties who were joined together for the purpose of making efforts to sell these ships. There may have been some parties employed as agents for the sale of the ships and in other respects; but I did not suppose you meant to include them.

Q. I will ask you the question again if you do not understand it. Are the persons whom you have now named—Swift, Merritt, yourself, and the Secors—all the persons who were interested, directly or indirectly, in the purchase of these vessels from the Navy Department?

A. I do not hardly understand your construction of interest. Would you consider a commission merchant an interested party in the property?

Q. Inasmuch as I am not under examination and you are, I will defer my answer to that question.

A. That is the only way I can answer it.

Q. Go on and make a full answer. Explain yourself as you like. We do not wish to misunderstand you, but it is our duty to obtain all you know on this subject. Answer the question in your own way, and then, if we are not satisfied with the answer we can ask other questions.

A. There were some parties who were employed. I am not a foreigner, nor can I speak any language but my own, and that not very well. I can say that there were some parties whose services were employed, but they were not associates.

Q. Who were these parties whose services were employed that were not associates?

A. I cannot really tell you their names. In the first place, I cannot recollect them, and I am not able to give you their names.

Q. You now say there were some persons employed who were not associates. You have not yet answered the whole of the question. Were there any other persons who were associates, directly or indirectly, than those whose names you have given?

A. I have explained to you the way I wish to be understood. As associates I did not consider that there were any; but I have explained to you also in the other sense of the word, which I supposed you might understand.

Q. Can you remember now the name, either in full or in part, of any other person who was connected with the obtaining of these vessels from the Navy Department, or in any wise interested, either as agent, or associate, or commission merchant, or what-not, than those you have named?

A. No, sir; not anybody as connected with the Navy Department.

Q. You say you cannot remember the name of any one of those persons that you employed?

A. You asked me with regard to this country, and now you say the Navy Department.

Q. I am not asking you in regard to any country; I am asking you in regard to persons, not countries.

A. Nobody that I have any knowledge of.

Q. Then when you have spoken of other persons who might be indirectly interested in some form or other, you alluded, as I now understand you, to persons who were employed to assist in the disposition of the vessels?

A. Yes; to assist in the disposition of the ships, if we could do so. It did not apply to the Navy Department at all.

Q. I understand you to say that you wish to be excused from answering the question as to what your arrangements for the disposition of the vessels have been until next week?

A. Yes, sir.

[The witness having retired, the committee proceeded to consult on the propriety of deferring the question. The witness having returned,]

Mr. EDMUNDS, [to the witness.] We feel it our duty, this matter has been delayed so long at the request of your associates, to require you to answer all our questions at this time. You may, therefore, state who the parties were with whom you made the first contract last summer.

A. I will do so only under protest. A conditional contract was made with Major Marquez.

Q. Who is he?

A. He was the consul for the Peruvian government at the port of New York. You can get a large amount of this information by applying to the Secretary of State, who has been written to on the subject, as I understand, before any action of Congress in the matter.

Q. Was Marquez professing to act in behalf of the Peruvian government?

A. Yes, sir.

Q. Was that government then in a state of war with Spain, as you understood?

A. I did not consider it so. I do not know how this government considered it. Just recently England has given permission for both Spain and Chili to take out ships of war.

Q. Do you know that of your own knowledge?

A. I have it in such a way that it is beyond any question.

Q. That is you are informed it is so?

A. Yes, sir; and I understand that both the Peruvian and Spanish ministers here understand it to be so.

Q. My question was whether you understood that there was a state of war last summer?

A. I did not so understand. Hostilities had been at an end nearly a year and a half. Just now the Spanish ships, some of them, have been in New York, and have been repairing and refitting in that port. I understand also that Spain is buying arms in the United States, and that the Peruvian government has assured this government on its honor that it has no wish, no intention of doing anything with the ships, except taking them into Pacific waters, and is willing to give the honor of the nation that that shall be the course if they are permitted to go out, and if not, they are to remain here. Furthermore, Brazil, which is at war, has purchased some 20 vessels in England, and Peru and Chili have purchased some 10 or 12 more, making 30 which we could probably have sold, as England has sold them, making a very large sum of money, if we had been

allowed to go on with the matter, which we did not know whether we would or not.

Q. If there was a state of peace between the Peruvian government and all the rest of the world, what was the difficulty you foresaw?

A. We did not know how the members of Congress and how our Secretary of State might regard it, and provision was made for us to hold the ships if they could not be got out.

Q. Then, if I understand you, the substance of it is that last summer, and somewhat early in the summer, I suppose, from other facts——

A. No, it was very late in the summer.

Q. Was it before or after you had applied to the Navy Department for permission to moor these vessels at a wharf to make alterations?

A. I think the application was made before the contract with Major Marquez was set aside.

Q. Confine yourself to the question. Do you mean to say that your contract with Marquez was not made or negotiated until after you had applied to the Navy Department to obtain leave to moor the vessels at a wharf to make alterations?

A. That is my own impression of it, but I cannot say positively about it.

Q. What object had you in making particular alterations before you had made any contract?

A. The object was not to make any alterations, but was simply to put repairs upon the ships. In two or three years there are a great many changes in a ship as to many articles.

Q. What was the object of making repairs, if you call them such, before you had entered into any arrangement to dispose of the vessels?

A. We supposed we had made an arrangement for the ships. We supposed Major Marquez was a duly authorized agent.

Q. But you say this was before you made any contract with Marquez at all?

A. We had had conversations. We wanted to see what we could do. Marquez was negotiating for a long while.

Q. Did you make a written contract with Marquez for the sale of these vessels?

A. Yes, sir.

Q. How much were you to receive for them?

A. Is it necessary for me to answer these questions?

Q. Indispensable.

A. I supposed you would not want to inquire into our particular business transactions.

Q. Do you mean that you will or you will not answer?

A. I do not want to take that position.

Q. It becomes necessary for you to take it one way or the other, and without much further delay.

A. The contract was \$1,000,000 apiece.

Q. It turned out, as I understand, that Marquez had no authority to enter into that contract?

A. Yes, sir.

Q. When did you ascertain that fact?

A. In September.

Q. And so that contract, if I understand you, was dropped or rescinded altogether?

A. Yes, sir.

Q. How did you find out that Marquez had not this authority?

A. I went to Peru myself.

Q. And you were there so informed by the proper authorities?

A. Yes, sir.

Q. Did you go to Peru for the purpose of ascertaining that fact and receiving a part of the consideration?

A. I did.

Q. When did you next make any contract with anybody for the disposition of any of these vessels, that one having fallen through?

A. It was in the month of October some time.

Q. About the 4th?

A. About the 4th.

Q. Exactly the 4th, was it not?

A. I should think it was.

Q. Do you not know that it was the 4th to the best of your recollection?

A. To the best of my recollection it was.

Q. Who were the parties to that contract on both sides?

A. The same parties.

Q. Alexander Swift & Co. and Marquez?

A. No, sir.

Q. Who then? You said the same parties.

A. Not on both sides. We were one party, and the minister of war of Peru was the other.

Q. What was his name?

A. I can hardly give it. My recollection of those names is not good. You seem pretty well posted up in the matter, perhaps you can assist me.

Q. Was it something like Cornejo?

A. Some such name as that.

Q. Mariano Pio Cornejo?

A. I cannot tell the initials. It was something like that.

Q. The contract was signed by Alexander Swift & Co., and M. P. Cornejo, minister of war and marine of Peru, was it not?

A. Yes, sir.

Q. It was a contract for the disposition of these vessels to the Peruvian government, was it not?

A. Yes, sir.

Q. How soon were they to be delivered?

A. There was no time set.

Q. Where were they to be delivered?

A. At New Orleans.

Q. Absolutely?

A. Yes, sir.

Q. No other place?

A. There were some conditions. They might have been delivered at some other place.

Q. What were those conditions?

A. The conditions were these: If this government would not allow them to go out to Peru, but would allow them to go to Mexico, or some place of that kind, they would be taken there and there transferred.

Q. Was anything said about the United States government in the contract as to getting permission to allow them to be delivered to Peru, or about getting permission to deliver them in Mexico?

A. Oh yes, sir, it was fully the intention and expectation.

Q. Do you mean to say that the contract said anything about it?

A. I do not know that the contract said anything about it.

Q. Do you not know that it did not?

A. Well, I have not read it over for a good while, but it was so clear in my mind that a clearance would have to be got for the ships that I only had one idea about it.

Q. That, then, was the reason, I suppose, because a clearance was to be got for

the ships, that it was agreed that the contract should be kept a profound secret?

A. The Peruvian government thought it would be better to come here and see what could be done when they fairly got possession of the ships to see if this government would allow the ships to go out. There has been correspondence going on quite a considerable length of time between Mr. Seward and the Peruvian minister as to whether our government would allow the ships to go out or not.

Q. That you are informed, I suppose?

A. I am informed of it.

Q. Who tells you that?

A. Mr. Garcia.

Q. Who is he?

A. The Peruvian minister.

Q. Where is he to be found? in New York?

A. Yes, sir.

Q. Is his name Garcia y Garcia?

A. Yes, sir.

Q. Do you remember where these vessels were to be delivered?

A. At New Orleans, or taken out to Mexico, or on the high seas, as permission could be had for them; and if not, they were to remain in the name of Swift & Co., at New Orleans, until they could be delivered.

Q. Was not this, to the best of your recollection, about the way that your engagement ran: "When the said ships are ready for delivery, it shall be the duty of the party of the first part to inform the minister of the republic of Peru in the United States of the same." Do you remember any such thing as that in the contract?

A. Yes, sir.

Q. "And then deliver said vessels to the agents of the government of Peru, either in New Orleans, on the coast of the Gulf of Mexico, in Mexico, or on the high seas, as the party of the second part may direct, within a reasonable time thereafter." Do you remember any such language as that in the contract?

A. Yes, sir.

Q. That was your engagement, was it not?

A. Yes, sir. It was understood also that, if we could not get permission to have them out, as you see there, provision was made that the ships should remain at New Orleans and be cared for by Alexander Swift & Co.

Q. "Should the party of the second part prefer to have said vessels delivered on the high seas, or in any port of the Gulf of Mexico or Mexico, then and in that case the government of Peru are to pay, in addition to the above sums, \$100,000 for each of said vessels, upon delivery as aforesaid." That was agreed upon, was it not?

A. Yes, sir; with the understanding that we were not to violate the laws here in getting out the ships.

Q. Was anything said about that in the contract?

A. No; I think not.

Q. You had an understanding outside of the contract that you were not to violate the laws?

A. That we would have a regular clearance for the ships, and if it could not be had, and they could not be got out, then the ships should remain in the custody of Alexander Swift & Co.

Q. You do not mean to say that that was in the contract, do you?

A. I think you will find that in the contract, if you have it.

Q. "But it is expressly understood that all peril of the seas for said vessels must be borne by the government of Peru." That was agreed to, was it not?

A. Yes, sir.

Q. "Should the government of Peru prefer to keep said vessels in the port of

New Orleans after their readiness for delivery as above expressed, all risk and expense must be borne by the government of Peru." That was in the contract, was it not?

A. Yes, sir.

Q. "But said vessels may still remain under the name of the party of the first part," that is Swift & Co. That was agreed upon?

A. Yes, sir.

Q. "Each party hereby agrees with the other that the same will be and remain a profound secret, and that neither they, their agents nor officers will divulge the same." Was that part of the contract?

A. Yes, sir.

Q. Do you mean to say that in the contract which we are now referring to, in writing, there was any provision or reference made to the question of getting a clearance for these vessels from the government of the United States?

A. I do mean to say it.

Q. What did it provide in respect to getting a clearance?

A. The understanding was that if the government would not allow them to go out for Peru, she might allow them to go out for Mexico, or for some other country.

Q. Do you say that was in the written contract?

A. No, sir.

Q. My question referred to what was contained in your written contract with Mariano Pio Cornejo?

A. You seem to have a copy of it there.

Q. I do not know whether I have or not; I have you here, and what I want is to ascertain what you know. Do you mean to say that there was any provision or reference in the written contract between you and the minister of war of Peru in respect to any clearance of these vessels, or in respect to any permission from the government of the United States for their departure, or any reference to the neutrality laws of the United States, or any engagement that you should not be required to violate those laws?

A. I do not know that there was. They just said that if the government regarded the matter as a violation of the neutrality laws, the conduct was illegal, and then they would have the right of holding the property under our name.

Q. I am not now on the question of your intent, but of what the contract was?

A. That was what we expected to do to get a regular clearance for the ships.

Q. For what place?

A. For Mexico or some other place where they would take them, in neutral waters, or where they could be transferred if this government objected.

Q. Did you expect to tell this government when you applied for a clearance that the vessels were already the property of the Peruvian government, with whom you had contracted to deliver them in neutral waters?

A. I did not have much expectation as to their making inquiries. I did not expect to make any false statement about it.

Q. That was not the question. The inquiry was whether you intended to disclose, on applying for a clearance of these vessels, the real truth about it?

A. I do not know what we should have done if we had been asked about the matter.

Q. What was your expectation; did you intend to keep it a profound secret, or did you not?

A. We did intend that, and you see I resisted here making any disclosure about it.

Q. You have done your best in that matter, just as you should; we have no ground to complain of that.

The WITNESS. Do you justify my course?

Q. Entirely. You have only yielded to coercion. That you could not help, and we will defend you against the Peruvian government, on that ground, without any hesitation whatever. You have hung back like a man. Now answer the question, if you please, Did you intend, on applying for the clearance which you say you expected to get out, to communicate to the authorities of the United States the facts connected with these vessels?

A. That is a question that I would not know how to answer if I was to undertake to answer it the best way I could. I would not want to lay myself liable in any shape by which I should be held responsible for any act. We think, and have thought for a good while, and it is not our opinion alone, but it is the act of foreign governments, that the ships ought to go to Peru directly, with a proper clearance, they giving security, if required, that they shall go there without interfering with any international laws.

Q. What was your intention and expectation at the time this contract was entered into in respect to applying for this clearance, which you said you expected was to be obtained, as to communicating to the authorities of the United States the real state of the case as to the vessels?

A. My idea of it—and that is all I can speak of—was to make myself fully posted in the matter, and then act from the best light I had.

Q. That is perfectly satisfactory so far; but did you intend to make the authorities to whom you would apply for a clearance fully posted?

A. I would want to have known my liability. If I had the right legally and properly to take them out, I would want to do so.

Q. Upon all the facts being known?

A. Upon the facts not being known. Then I probably should not have said anything about it. If I was legally bound, and there was any risk of seizure, or any feature of international law came in by which we could not properly do this business, then I would stop it.

Q. Then you would not apply for a clearance at all?

A. If I did apply for it, I should want to know my liability.

Q. What was your intention? What did you mean to do? I suppose you knew what you meant to do. Tell it.

A. I have tried to tell it.

Q. In case you were advised by counsel that you could not get a clearance for your vessels, what was your intention?

A. We might have applied for it for Peru, and if we were refused—

Q. Do you mean to say that you intended, when you applied for a clearance for Peru, to inform the authorities of the facts of the sale to Peru?

A. If they had asked me.

Q. If they did not ask you, did you mean to communicate it yourself?

A. As I said, I intended to be fully advised on these subjects and act on the information I had on my legal position.

Q. Suppose you were advised that you could not get a clearance for Peru, what did you intend to do then?

A. I would have advised myself as to what I could have done.

Q. Had you any intention about it; about applying for a clearance?

A. The ships are insured; they have been insured just now.

Q. I am not speaking of present intention. I am speaking of your intention when you made the contract?

A. I expected that the matter would have been consummated long before this; but delay has come, and it is not consummated even yet. Some two or three weeks ago, before Congress took any notice of this matter at all, insurance was effected on these ships for six months for \$100,000 each in Cincinnati, and for a little over \$100,000 in New York, and nearly \$100,000 in New Orleans.

They are insured, and they will not be ready for sea for a very considerable length of time.

Q. Now, I will ask the question once more; did you intend at the time of making this contract and immediately after it was made, in applying for a clearance for these vessels, which you have already stated you expected to apply for in the regular way, to communicate to the proper authorities of the United States all you knew of the real state of the case as to the vessels?

A. I said to you that I am not conversant with international law. I do not know its liabilities and its requirements. Before the ships left we proposed making ourselves thoroughly conversant with our responsibility in the matter, and upon that information would make up our minds not to take anything which would involve us in any hazard about the ships. That has been the only view I have had.

Q. That does not answer the question?

A. I do not know how I am able to answer it better. How am I able to answer a question about which I have not sufficient knowledge, when I say to you that I proposed to seek to get the proper information when the ships should be prepared? How can I answer now as to what will be done when the ships are ready, when I intend then to act upon information I have not yet got?

Q. You can answer either yes or no, because you know what your intention was; or else you can answer that you had not any intention at all. My simple question is what your intention was as to communicating a fact that was in your own knowledge. It does not need any explanation. You either had such an intention or you had not; and you probably remember whether you had or had not. If you do not remember you can swear so. I am not asking you any question of international law, but simply for a fact: whether you intended, in applying for the clearance that you have sworn you did intend to apply for, to communicate these facts to the proper authorities of this government, or whether you intended not to do so, or whether you had any intention at all in that matter?

A. I am unable to see that matter as you do, but my intention was to get information as to what I could do, and upon that to act without interfering with the laws of the nation. I have always been a law-abiding citizen, and, so far as my knowledge goes, have been all the people connected with the transaction.

Q. You did not expect to find any law that would prevent your communicating these facts to the authorities of the United States. You did not expect to find any statute against that?

A. I did not.

Q. Then why can you not tell what your intention was about communicating the facts to the government?

A. My general way of doing business is to say as little about it as possible, unless legally bound. I do not generally talk very much about our business, and if I was not legally bound to reveal all in justice to ourselves and our government, I probably should not as a business matter; and yet I had not made up my mind except so far as assuming any responsibility was concerned. We would be very foolish men to go to work and lay ourselves liable to the loss of everything we ever had. I should think that would be a very reckless sort of business.

Q. You do not seem to understand the question?

A. I do not know that I do. I have tried to give you the best answer that I knew how.

Q. Try once more. Was it your expectation or intention, after having made this contract, and before it became noised about that there was such a contract, to have applied, in carrying out the contract for the delivery of these vessels, for a clearance of them from the port of New Orleans?

A. Certainly it was.

Q. Now, having that intention and expectation to apply for a clearance, did you also intend and expect, on applying for that clearance, to communicate voluntarily to the officers to whom you should apply, or to any other of the authorities of the United States, the fact that you had made a sale and disposition of these vessels to the government of Peru?

A. I am not able to answer the question any better than I have already answered. I do not know how to answer it any better.

Q. Had you any expectation on that subject?

A. I have tried to explain to you that my expectation was to be founded upon what we could do justly and properly.

Q. Had you any expectation on the subject?

A. I had expectations that the government would make no objections to their going to Mexico.

Q. That we understand, so far. Having found that out, that you expected to apply for a clearance, and that you supposed the government would have no objection to their going to Mexico, did you expect or intend to communicate to the government the fact of the sale of the vessels to the Peruvian government?

A. As I have stated, our expectations were to do just in proportion to our responsibilities.

Q. Can you not say what your intention was as to communicating to the government where the vessels were going, or who were the proprietors, when applying for a clearance?

A. I never thought of violating the laws. I said at the time I was away that it was not our business to carry on war, and that we would not make ourselves liable; we would simply do what we could peaceably.

Q. That does not answer the question.

A. I wish to answer it.

By Mr. PATTERSON:

Q. You said you designed not to violate international law. Did you design to evade the law of nations?

A. If we could have taken these ships to Mexico without making ourselves responsible, or its being looked upon by the government as an improper matter, we intended to do it. If we could not, we had no intention, and we would not put ourselves in jeopardy in that particular.

By Mr. EDMUNDS:

Q. Did you not agree in this contract to deliver the vessels at the option of the Peruvian government?

A. Yes, sir.

Q. That option was theirs, not yours, was it not?

A. No, sir; not if we could not do it.

Q. Is there anything in the contract that is conditional?

A. No, sir.

By Mr. PATTERSON:

Q. If you found on inquiry that it would be a violation of international law to deliver these vessels, or that you would fail in getting a clearance to deliver to Peru, then did you design to make an application for a clearance to deliver them to Mexico?

A. I did not know whether we should have to apply first for a clearance to Peru.

Q. Then, if I understand you, your design was to inform yourselves as to whether that would be a violation of law?

A. I rather presumed this government would say, as there is no blockade, as there has been no act of hostility for the last eighteen months or two years between Spain on the one hand and Peru and Chili on the other, the vessels would be

allowed to be turned over to the Peruvian government; or that if the government refused to do that, then they could have been taken to a neutral country by permission of the government, and if that could be done, and we not be made responsible, that was our purpose; but if we found upon examination that we could not take the ships out, then provision was made for their remaining at New Orleans. I said awhile ago that we should be a set of very poor business men to go and carry on war with any nation and our own against us. What consideration is money under such circumstances?

By Mr. EDMUNDS:

Q. Do you mean to say that there was any other or different contract than that contained in this written instrument?

A. There was a verbal understanding that if the vessels could not be got out they were to remain in our names.

Q. Could not be got out how?

A. By a clearance.

Q. For what place?

A. Wherever we could get that clearance for, if we could get a clearance.

Q. That is, you did not mean to take them out by force?

A. We did not intend to take them out by force at all, nor do we intend to take them out without a proper clearance.

Q. Without a clearance given on a knowledge of all the facts?

A. As I said before, we do not propose to violate the laws. Whether we could take them out into a neutral country or not is what I am not to-day fully advised of.

Q. Now, I will put the question the other way, and you can answer yes or no, or decline to answer. We do not want any further shying about the business. Did you not intend, in procuring such a clearance as you wanted, to keep secret from the authorities of the United States the fact that these vessels belonged to the Peruvian government?

A. Yes, sir; we proposed not to say anything about it of our own accord, unless we found out that we were legally responsible.

Q. Legally responsible for what?

A. For a violation of the laws.

Q. In doing what?

A. In taking out the ships, and in that case we would let the ships remain in New Orleans.

Q. Then you intended to tell this government, did you?

A. Certainly, if we were legally bound.

Q. Legally bound to do what?

A. If we were violators of the law in the matter of taking the ships to Mexico.

Q. Then you meant to tell all you knew about it to the government?

A. Then we were not going to take the responsibility.

Q. Did you mean to tell the government if you found that you could not take them out without a violation of law?

A. I do not know that we should have told the government that the ships were for Peru, but we should have just kept them there.

Q. That is, if you found you could not get the vessels out in the way you wished, you then meant to keep them in New Orleans in your own name, and not in the name of the government of Peru, as the contract provides?

A. That was the understanding unless we were questioned. Of course, if we were questioned and brought up here we should have to tell.

Q. How much were you to receive for these two vessels by the contract of the 4th of October?

A. The same amount as under the Marquez contract.

Q. Two millions of dollars?

A. Yes, sir.

Q. And if you delivered them on the high seas or on the coast of Mexico, you were to have \$100,000 apiece extra?

A. Yes, sir.

Q. Were you to make any alterations or repairs or additions to these vessels by that contract?

A. Not by the written contract, except to put them in as good order as when we made a verbal contract, which requires extensive alterations.

Q. Is there any written contract, or provision in the contract already referred to, for your supplying the vessels with certain masts and spars and a variety of things, for all which you are to have \$346,000?

A. No, sir; not according to my recollection.

Q. Nothing of that kind?

A. Not for spars or masts.

Q. For anything?

A. Yes, some other things.

Q. What are they?

A. You seem to have a copy there.

Q. Just go on and answer.

A. There is ordnance, and ammunition, and provisions, and coal, and those things, but no provision for masts, or sails, or bulkheads; only a verbal contract as to those.

Q. When was that verbal contract made?

A. The verbal contract was made, I think, this winter.

Q. At what time?

A. Early in the winter.

Q. About what time in the winter?

A. It must have been about the first of December or last of November.

Q. With whom was that made?

A. With officers of the Peruvian government.

Q. Have you executed any part of that contract?

A. A small part of it.

Q. Did you carry around some spars to New Orleans?

A. No, sir; I believe not.

Q. Anything?

A. Yes, sir; there were some things taken around there, quite a little lot of stuff.

Q. What was it in a general way that was taken around?

A. There was some netting.

Q. Netting for a ship of war?

A. No; netting for rope, for the purpose of preventing persons on the deck from being washed away.

Q. You can state in general what the things were—supplies for the vessels, rigging, and so on?

A. Some wire-rope, and things of that sort.

Q. For rigging the masts?

A. Yes, sir.

Q. And for that you have additional compensation, I suppose, by the verbal contract; it does not come out of the two millions?

A. No compensation at all for it.

Q. Do you mean that you entered into a verbal contract to make alterations in these vessels, and supply them with wire-rope and masts, &c., for no compensation?

A. None except the compensation named.

Q. Then you have made a new contract since this one of the 4th of October?

A. It has been modified.

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Q. When did you make that modification?

A. The last of November or first of December.

Q. What led you to give up a contract that you had already made in writing with a responsible party, and agree to put in other things at the same price?

A. They asked for them, and we conceded them.

Q. How much did those things come to that you were to supply under the two millions?

A. I do not know.

Q. About how much?

A. I suppose they will come somewhere from \$100,000 to \$150,000.

Q. That you conceded in November or December to be embraced, for the price named, in the original written contract?

A. Yes, sir.

Q. Did you do that yourself?

A. Yes, sir.

Q. Who was the party with whom you made that arrangement? Garcia?

A. There was a Captain Garcia here who went and examined the vessels.

Q. Who was the party you made an agreement with to put in \$150,000 of that sort of things without any increase of price?

A. You go a little too fast. It was not \$150,000 for them. That is for the whole of the changes. They will probably cost from \$100,000 to \$150,000. We did not expect, as the original contract was made, that it would take over \$10,000; but I was told that the Stonewall, which our government sold to Japan——

Q. Never mind about the Stonewall. You say that by a parol contract made in November or December you were to supply netting, and wire-rope, masts, &c., without any increase of the original price, two millions?

A. And to be painted, docked, and all that sort of thing. That was partly in the contract.

Q. How much does this outside matter of November or December amount to?

A. It is variously estimated.

Q. What did you agree to do in November or December which was to come in under the two millions purchase money?

A. We were to put up the masts, put a walk between the turrets and smoke-stack, and we agreed to put an iron bulwark around the ship.

Q. There were three things you agreed to do for the original price which you were not bound to do before?

A. There were quite a number of other things.

Q. Trifling, small things, comparatively.

A. We think sometimes they are small, but they do not come out small.

Q. When you made this arrangement in November or December how much did you expect that these things would cost?

A. I supposed perhaps \$25,000 would cover them.

Q. Who is the man with whom you made that oral bargain?

A. Captain Garcia. He is now in Peru.

Q. What is his first name?

A. I do not know.

Q. Did any of you take any memorandum of it in writing?

A. I do not know that we did.

Q. How much money has been paid by the Peruvian government, or by any persons on its behalf, on this contract or in connection with it?

A. Something over a million and a half, I believe.

Q. Do you not know exactly how much it is? Did you not receive the funds yourself?

A. I have received them mainly. It is between a million and a half and two millions.

Q. Did you not receive the money yourself?

A. Yes, sir.

Q. Before you left Peru?

A. Not a very large share of it.

Q. How much?

A. Between \$200,000 and \$300,000.

Q. The balance of the million and a half or two millions has been paid since your return?

A. Yes, sir.

Q. When was the last payment that has been made to your knowledge?

A. I think it was some time in February.

Q. Before you became the proprietor of these vessels?

A. Yes, sir.

Q. And before you had any means of procuring them, was it?

A. Yes, sir; before we had any positive means. We had not accepted the ships.

Q. How did you expect to obtain these vessels when you made this contract on the 4th of October?

A. We expected to get them from the Navy Department, by the permission of the cabinet.

Q. Had the cabinet given such permission at that time?

A. The Navy Department had said they would sell the ships.

Q. I asked if the cabinet had given any such permission?

A. It was talked of as a cabinet matter. That was my understanding.

Q. By whom talked of?

A. I do not know; but that was my impression. It was a cabinet matter.

Q. Did you have any interview yourself, before the 4th of October, with the Secretary of the Navy on the subject?

A. Yes, sir.

Q. When?

A. In June, I think, before I ever saw a Peruvian officer.

Q. At any other time?

A. I think not.

Q. Only once?

A. But once.

Q. What took place then?

A. That was at the time when we expected the French government would want the ships.

Q. What took place between you and the Secretary of the Navy?

A. We just asked if we could have the ships.

Q. Who were with you?

A. Mr. Secor and Mr. Merritt.

Q. Was anybody else with you?

A. I do not recollect anybody else.

Q. And you asked Secretary Welles if you could have the ships. Was that all you asked him?

A. I do not know that I asked him myself in person. I think I did not.

Q. But you were all present?

A. No; I was in Mr. Faxon's room.

Q. Then what did you say to the Secretary of the Navy?

A. I spoke to Mr. Faxon about it.

Q. I am asking about Mr. Welles. Did you ever have an interview with Mr. Welles on the subject before the 4th of October?

A. I addressed a note to him.

Q. That is not the question.

A. I do not know that I had a personal interview with him at all. I do not recollect having.

Q. You say you addressed a note to him?

A. I think I addressed a note to him.

Q. When?

A. Early in May or April or June—some of those times.

Q. If you were to come to the best of your opinion, which of those times would you say it was?

A. I should think it was early in May.

Q. Did you keep a copy of the note?

A. I did not.

Q. What were the contents of the note, as near as you can recollect?

A. We addressed a note to him, I think—I am not positive that we did—in which we asked if we could have the ships by paying the contract price. I do not believe, after all, that I did write a letter to him; though I am not positive. The department replied to us, stating that we could have the ships.

Q. You say you asked if you could have the ships at the contract price. Was anything said about extras?

A. Yes; it included extras.

Q. Who signed the letter or note?

A. I cannot tell you. There was one letter, I think, signed by Mr. Secor and by myself, and I am not sure whether that went to the Secretary or not; I cannot tell you, but my impressions are rather that it was so. I am not positive, however. It was done here, without keeping a copy.

Q. You got a reply, at any rate. What did that reply say?

A. It was some time before the reply came. It was that they would sell the ships to-day at the contract price and extra work. That was my idea of it.

Q. That was, at the cost to the government.

A. Yes, sir.

Q. And thereupon you set about these negotiations?

A. We went to see what we could do.

Q. You say you never saw Secretary Welles on the subject yourself, first or last?

A. I will not say that, because I do not recollect positively. I give it as my impression that I had no personal interview with him; and yet I may be mistaken.

Q. To the best of your recollection you never did have; is that it?

A. That is it; but I think we addressed him a note.

Q. Now tell us whether you ever had an interview with Mr. Faxon on the subject of these vessels prior to the 4th of October?

A. I never had but one interview with him, that I recollect, and that is when we were talking here in May, I think, and he did not give us much encouragement that we could get the ships.

Q. You had an interview, then, with Mr. Faxon in May, yourself, personally?

A. Yes, I was there; Mr. Merritt was there, and Mr. Secor. We asked if we could get these ships on the same terms as Webb and Quintard had received theirs. I recollect that I spoke of Quintard's having an indefinite time to sell his ship; and in Mr. Webb's case, I think Congress specified a year, but they would not give us any such latitude as that. They said, as I understood it, that after consultation they concluded we could have the ships. I suppose it was about two weeks before we got an answer, but I do not know as to that.

Q. Your application was to Faxon then?

A. The application was not to Faxon.

Q. What did you yourself say to Mr. Faxon?

A. I asked Mr. Faxon if we could have the ships, and he said he did not

believe we could. That was the only time I have any recollection of speaking to him.

Q. Did you have any talk with Faxon about the terms on which you would be willing to take them or wanted to get the privilege of taking them?

A. I do not recollect.

Q. That was the only interview which you had with Faxon prior to the 4th of October?

A. I did not have any interview with him that I recollect.

Q. Since the 4th of October, have you had any interview with Secretary Welles on the subject of these vessels?

A. I do not know that I have had any at all.

Q. Do you remember whether you have had or not?

A. I do not recollect any.

Q. Have you met Mr. Welles, or had you any other interview with him about anything?

A. I do not recollect now of seeing him since the 4th of October. I may have seen him, though I have been here very little.

Q. When were you first in Washington after the 1st of January last, or at the Navy Department?

A. I was in Washington about the first part of January, perhaps the 3d, 4th, 5th, or 6th.

Q. On what business? Anything connected with these vessels?

A. I came here to see something about vessels.

Q. What did you come here to see about?

A. To see if we could get permission to make repairs on the ships without taking them away, letting the government have jurisdiction over them.

Q. Whom did you visit on that subject?

A. That was done by Mr. Merritt.

Q. But you say you came here about the 1st of January for that purpose?

A. I came here with him. I do not know that I visited anybody about it. He attended to this part of the business.

Q. You and Mr. Merritt were here on that subject about the 1st of January?

A. Yes, sir.

Q. And for the purpose of getting permission to go on with your repairs and alterations to the vessels then, as I understand you?

A. Yes, sir.

Q. And now you say that so far as you yourself is concerned, after having got here, you did not have an interview with anybody on the subject?

A. Only with Mr. Merritt.

Q. But Mr. Merritt conducted the operation?

A. Yes, sir.

Q. What did he do?

A. He wrote to the department a letter, and got a reply, stating that he could have the ships to make improvements and repairs on.

Q. What did that letter to the department state?

A. I asked for permission to make repairs and to mast the ships.

Q. Did it state the object you had in view?

A. I do not think it did.

Q. You are sure it did not, are you not?

A. I do not think it did.

Q. Are you sure a letter was written to the department on that subject in January?

A. I think there was.

Q. Have you any doubt of it?

A. I have no doubt of it.

Q. Did Mr. Merritt go personally to the department also?

A. I think he did.

Q. Frequently?

A. Yes, sir.

Q. How long were you and he engaged here in that business in January?

A. I was here two days only.

Q. You got the permission?

A. We got permission, not to move the ships from New Orleans, but to take them from the wharf and go on with the repairs.

Q. Was that permission in writing?

A. My impression is that it was.

Q. Did Mr. Merritt state to you in reference to this matter, while here, that the department knew what you were going to do with the vessels?

A. He did not.

Q. Did he state that they did not know?

A. He always gave me to understand that they knew nothing about it.

Q. Was anything said between you and Mr. Merritt on that occasion, in January, here, as to how you were going to obtain the vessels then?

A. We expected to get the ships.

Q. By what means, by what process? Did you expect to get an act of Congress passed, or did you suppose you could get them under a cabinet order?

A. We expected to get them under the original purchase, or rather under the original offer they made to us.

Q. That is for the cost of the vessels and extras?

A. Yes, sir.

Q. Did you apply at that time, in January, to get them on those terms?

A. We asked if we could have them.

Q. What reply did you get?

A. They said we could, but we were not ready to receive the vessels then.

Q. And so you got this permission to move them to a wharf and go on with repairs to facilitate matters?

A. Yes, if we chose to do it; but we did not do anything, and very little has been done yet.

Q. Why did you not do anything?

A. Early in January, after Congress met, there were some resolutions offered in the House which I knew nothing about.

Q. What resolutions do you mean?

A. Relative to the sale of vessels.

Q. How did that affect your position, if you had an arrangement with the department that you could have them?

A. It affected us in this way, that if the vessels were to be sold and they could be had any cheaper, we wanted the benefit of it.

Q. But I understand you to say that you had already applied to the Navy Department to have them at a certain price, the cost and extras, and the Navy Department had told you that you could, and had given you temporary permission to go on with alterations?

A. They gave us the privilege of purchasing. We had no obligation that we would take them.

Q. And so you concluded not to touch the vessels until they should be sold under some act of Congress, did you?

A. The law was passed, and we did not presume that we could get the ships after the law was passed.

Q. Before the law was passed, between the time you saw that the resolutions to which you refer were introduced and the time the law was passed, what did you do?

A. Nothing that I know of.

Q. You just waited?

A. We waited.

Q. Did you expect the resolution to pass?

A. I did not believe it would pass.

Q. What were you waiting for?

A. I did not know what might be. We wanted to see what would become of it.

Q. That is, if the resolution passed you thought you might get the vessels at less, and if it did not you thought you would get them for the price that had been spoken of?

A. That is it.

Q. Then the resolution passed; what did you do after that?

A. I know a good many men hoped to sell the ships.

Q. Having found out that that resolution passed, what did you do next?

A. They were put up to the highest bidder.

Q. Did you have any consultation with any of your associates between the time when the resolution passed and the time when the bids were put in, as to these vessels?

A. I do not fully understand your question.

Q. Between the time when the resolution for the sale of the vessels passed Congress, which I believe was on the 3d of February, and the time of the advertisement, did you have any consultation with your associates respecting these vessels?

A. We did not suppose we could get the ships if we wanted to, under the law.

Q. Did you have any consultation or interviews on the subject?

A. Yes, we talked the matter over. We said we did not presume we could get the ships. We had to submit to the law and to the result that might be, to take our chances of getting the ships or making a treaty with the other party who should get them, if anybody should get them, or substitute some other ships. We had to run our chances.

Q. What did you conclude to do?

A. We concluded to do just what we did do.

Q. What did you do?

A. We waited until the ships were advertised. Thirty days' notice was given, bids were put in and opened, and nobody took the ships.

Q. Who put in any bid for you?

A. Mr. Merritt, I believe.

Q. Why did you not bid in the name of Alexander Swift & Co.?

A. Mr. Merritt thought it would be better for him to bid. I thought it was better for Alexander Swift & Co. to bid. I yielded to him.

Q. Tell what he said about it.

A. He said he thought he had better bid.

Q. Why? Did he give any reason?

A. I do not recollect what that conversation was now.

Q. See if you cannot recollect it?

A. It does not recur to me now.

Q. You cannot recall the reason which he gave for thinking the bid had better go in his name?

A. It does not seem to recur to me.

Q. What was the reason you thought it better to bid in the name of Alexander Swift & Co.?

A. Because Alexander Swift & Co. were the parties to the contract.

Q. Was that the ground of your belief?

A. Yes.

Q. But you cannot recall the reason of his thinking it would be better to bid in his name?

A. There was quite a little talk. I was out, and it was decided on very

hastily, finally at the last moment. I thought Alexander Swift & Co. had better bid. He said there had better be one bid put in, and that should be Mr. Merritt's, and that was the way it was done. The full conversation does not occur to me now.

Q. You say there was quite a little talk. Who was it with?

A. Mr. Swift, who was here, and Mr. Secor, and Mr. Merritt, as to whose name the bid should be in.

Q. There was quite a little discussion over that subject?

A. Yes, quite a talk.

Q. And yet you mean to say that you cannot recall at all the reasons that were given by any of them in favor of bidding in Mr. Merritt's name?

A. Mr. Secor thought it better to bid in his name. I think that perhaps they said Swift & Co. would have the privilege of buying the ships, or that it was known that they had had the opportunity, and had had some correspondence about the matter. The object was to get the ships as low as we could. I suppose that was it. I do not recollect the conversation that passed, but I have no doubt that was the idea of the matter.

Q. Was the department aware that Mr. Merritt was concerned with Swift & Co.?

A. I do not know that they were. I know nothing connected with that.

Q. How much did you agree to put the bid at?

A. Mr. Merritt bid at \$801,000, according to my recollection.

Q. That sum was settled upon between you at your meeting, was it not?

A. Yes, that was the bid.

Q. Was it not agreed upon that that should be the bid?

A. Rather, I suppose.

Q. Do you not know whether it was, or not?

A. I do not know whether it got the consent of all, or not.

Q. Was that sum talked of?

A. Yes, that sum was talked of.

Q. Do you say that Merritt put in the bid without the assent of the body as to price?

A. It met the general approval. I think there were perhaps some one or two who preferred that he should not have made the bid—I do not recollect now who they were—who preferred that Swift & Co. should have made it.

Q. I am asking about the sum of \$801,050. Was that sum agreed upon as the sum at which the bid should be made, without regard to whether it was Merritt or Swift who was to bid?

A. That was consented to.

Q. Was there a talk about the sum at which a bid should be put in?

A. Oh, yes.

Q. What was said?

A. Some thought it should be higher, and some thought it should be lower.

Q. Who thought it should be higher?

A. I think Mr. Merritt thought perhaps it would be as well to make it a little higher.

Q. How much higher?

A. Perhaps \$15,000 or \$20,000.

Q. You say "perhaps;" do you not remember?

A. I do not. I know that I thought \$300,000 or \$350,000 would be as much as each of these vessels would be appraised at. The government had been selling a great many ships at 20 or 25 per cent.

Q. What is the date at which you had this meeting here?

A. The day of the opening of the bids.

Q. That opening was to be at 12 o'clock, was it not?

A. Yes, sir.

Q. What was said between you there on the subject of the appraisement, as to how much the vessels had been appraised at?

A. The question was asked how much they were appraised at in the opinions of the parties, and some said one sum—

Q. Give us the details of the conversation?

A. I cannot do it exactly. I can speak about myself. I said that I did not believe the ships would be appraised at over \$300,000 or \$325,000.

Q. What did the others say?

A. I think Mr. Secor said that he did not think that it would be over \$300,000 or \$350,000.

Q. What did the others say?

A. Mr. Merritt thought it might be over that.

Q. What did he say?

A. He said he thought he had better make a bid of \$400,000.

Q. I am not asking in regard to the bid, but as to what he said about the appraisement?

A. He said he did not know what the appraisement was.

Q. What else did he say about the appraisement; did he tell you how much he thought it was?

A. He said in New York that he did not think it would be over \$350,000.

Q. But in Washington what did he think?

A. He had not changed his mind.

Q. Do you mean to say that Mr. Merritt said that he thought the appraisal was not over \$350,000?

A. I think he said it would be between \$300,000 and \$400,000 or \$450,000, or something of that kind. I cannot recollect these things. My mind has been pretty full of business matters.

Q. Your present recollection now is that Mr. Merritt said, when in New York, that the appraisal would not be over \$350,000?

A. \$350,000 or \$400,000, along there.

Q. When you had this conversation on the day of the opening, he said he thought it would not go over \$450,000?

A. He said he thought we had better make a bid for \$801,000.

Q. I am not speaking of the bids; I am speaking of the appraisal. What did he say on the subject of the appraisal besides what you have already stated that he thought when in New York, it would not exceed \$350,000 each?

A. I do not recollect that he said much of anything else. I do not recollect now a single word that he said more than that.

Q. You have given us Secor's opinion, and Merritt's, and your own, about the appraisal. Who else was present on that occasion?

A. Mr. Swift was here.

Q. What did Mr. Swift say?

A. Mr. Swift's ideas about it were lower.

Q. What did he say about the appraisal?

A. I do not know that he said a word about the appraisal; I do not recollect that he did.

Q. Have you now named all the parties who were present?

A. Yes, sir; I have spoken of the Secors and Mr. Swift.

Q. You have spoken of one Secor?

A. There were two Secors; Charles and James.

Q. You have given us the opinion of only one of them as to the appraisal. What did the other say?

A. I meant to put the two together; Charles and James.

Q. They had the same opinion about it?

A. According to my recollection. I made no note of it. I did not charge my mind with it.

Q. You agreed, then, finally, after you had compared notes on the subject of what the appraisal was, to put in a bid of \$801,050 ?

A. Mr. Merritt.

Q. But it was for the benefit of the joint concern, was it not ?

A. Yes, sir.

Q. Was that bid drawn up there in your presence.

A. Yes, sir ; it was drawn up in my presence.

Q. And signed in your presence ?

A. I do not think I saw him sign it, but it must have been in my presence.

Q. At what stage in the progress of the affair was it decided that the bid should be in the name of Merritt and not in the name of Swift & Co. ?

A. That morning.

Q. Where was this paper drawn up ?

A. In Willard's Hotel.

Q. At what hour in the morning did you leave there and go with the paper to the Navy Department ?

A. I should think it was probably half-past eleven.

Q. Did you all go up ?

A. No, sir.

Q. Who went ?

A. Mr. Merritt delivered the bid. I went up with him, but did not go into the room.

Q. What room did you go in ?

A. I went into a little office there of Mr. Stickney, who was not in.

Q. Who is Mr. Stickney ?

A. A gentleman from my native State of Maine ; a man whom I had known for several years.

Q. What position does he hold there ?

A. His position has been for years to make out the bills for money requisitions. I stepped into his room, knowing him, and having had a good deal of business with him. He was not there, and I have not seen him for six months that I know of.

Q. Finding he was not there, what did you do ?

A. I just waited there, expecting him in every minute.

Q. You had no conversation with anybody on that visit, on the subject of these vessels ?

A. No ; not a word. Mr. Merritt told me after the bids were opened that our bid was nowhere ; that there were bids away beyond ours, and that we had no show to get the ships.

Q. Was that before you left the department ?

A. Yes, sir.

Q. He came into this little room, then ?

A. Yes ; I told him where I was going.

Q. How long did you wait there before Merritt came back ?

A. I suppose perhaps three quarters of an hour ; something about that.

Q. Down to that time had you had any conversation with anybody as to who any other bidders were or might be ?

A. I had never spoken to any, or seen a man who made a bid there, that I know of, in my life.

Q. I asked you if you had any conversation as to who the other bidders were or might be ?

A. I did not expect that there would be a bid.

Q. That does not answer the question. Had you any conversation as to who the other bidders were or might be ?

A. No, sir ; none as to who the bidders would be.

Q. Or whether there would be any other bidders ?

A. No, except this: there was a gentleman here who claimed to be from South America. I never saw him to know him, but, as I was told, he said he wanted to buy a ship. He said so, I think, in the presence of Mr. Merritt, but I am not sure about that. I think he was concerned in some of the bids, but I do not know.

Q. What was his name?

A. I believe his name was Garcia.

Q. This same Garcia you have been speaking of?

A. No, sir.

Q. Whom did you learn him to be?

A. I understood him to be consul or consul general from Uruguay. I never saw him to know him.

Q. Where do you understand him to be located; in New York?

A. I do not know.

Q. What time was that conversation?

A. About the time the bids were being opened.

Q. Before or after?

A. I think it was before.

Q. Do you mean to say that, with the exception you have named about this Garcia, you had no conversation with anybody prior to the opening of the bids as to whether there would be any other bidders, or whether any other bids would be put in?

A. I never mentioned it to a single man as connected with their making a bid, nor did I ever speak to Garcia, or ever see him, nor, to the best of my recollection, did any one of the parties ever give me the names of others.

Q. Perhaps you do not understand the question. Aside from what you have now detailed about the desire of Garcia to buy a vessel, did you, prior to the opening of these bids, have any conversation, or hear any with or between your associates, on the subject as to whether there would be any other bids put in for the vessels besides the one of Mr. Merritt or not?

A. Up to the time of going up to the department I told Mr. Merritt that I did not believe anybody would bid for these ships, and yet I did not know. He said he presumed there would be some bids. But I do not know of anybody's having any conversation with any of the parties connected with the matter. Does that answer the question?

Q. Not quite, but somewhat. My inquiry is now directed to conversation among yourselves, not with any of these outside parties that bid, but any talk among yourselves as to the proposition of their being other bids in competition with that of Merritt?

A. I did not presume there would be any genuine bidders. I presumed there would be some spurious bidders.

Q. I am not asking for your thoughts, but what was said among yourselves.

A. We did presume there would be some spurious bids.

Q. Did you talk about it?

A. I think we did speak of it.

Q. When?

A. All the time, perhaps, after the advertisement came out.

Q. Whenever you met you talked about the probability of there being spurious bidders?

A. We spoke about spurious bidders. We did not know but what there might be genuine bidders.

Q. What did you say to each other on the subject of spurious bidders besides the fact that there would probably be some?

A. Do you mean as to what the bids would be, or who would make them?

Q. No; but what did you say to each other about it?

A. We said we presumed there would be some spurious bids, because we were

partially notified that unless we made some negotiations we might have some trouble in getting the ships, and all that sort of thing. We paid no attention to it.

Q. Was that all the conversation you had among yourselves about bidders?

A. I presume not, but I do not know that I recollect any particular conversation as to who would bid, and what they would bid, and what we said exactly. I did not believe myself there would be any bids, but some of them said there would be some spurious bids.

Q. Who said that?

A. Mr. Merritt, I think, spoke of it, and Mr. Secor spoke of it.

Q. Did they say that they knew anything of it. or only guess?

A. They had some sort of impression in the matter, but they had nothing to do with it.

Q. But they seemed to have some impressions that there were sure to be spurious bids?

A. I think they spoke to that effect.

Q. Was anything said on the subject of what would be the consequence of a spurious bid higher than yours?

A. Yes, sir.

Q. What was said about that?

A. We supposed the consequence would be that the man would not take the ships.

Q. What would happen then? How would that affect you?

A. I did not see that we could be very much affected by that arrangement.

Q. What did you say about that?

A. I probably said that we would not be very much affected by a spurious bid.

Q. How did you talk that that would leave you in case there was a spurious bid and the party did not take the ships; how did you expect to get them then?

A. We expected then to get them under the law of Congress.

Q. How in point of fact? What did you expect to do about that?

A. We expected the Secretary of the Navy to do just as the law of Congress authorized him to do.

Q. What was that, as you understood?

A. That he would advertise the ships 30 days, and if not sold then they could be sold at private sale at the appraised value.

Q. Then you thought if there was a spurious bid that broke down the advertisement you would be left to buy them at private sale?

A. Yes, sir.

Q. And that you talked over?

A. Yes, sir; and we concluded to take our chances of genuine bids and spurious bids.

Q. You say you were partially notified that there would be some bids besides yours; did I understand you correctly?

A. We were notified by letter that unless we made an arrangement with a certain party we should have to take the consequences.

Q. Have you that letter?

A. No, sir; I think it is in New York. I think it is in Mr. Merritt's office.

Q. To whom was that letter addressed?

A. It was addressed to M. F. Merritt.

Q. About what was the date of it?

A. I am inclined to think it was dated the 16th of March, but it may have been the 14th, or it may have been the 12th.

Q. It was just before the opening?

A. It was before the opening. It was a notice for us to come up and make an arrangement.

Q. Who was the signer of that letter.

A. Mr. Farrand.

Q. What is his first name?

A. I do not know.

Q. What is his address, and where can he be found?

A. I think his home is Port Jervis; he is a great deal in New York, and he has been here considerable.

Q. He notified you to come up and make an arrangement, come up to what place, where?

A. The Carleton hotel, I think. The letter was backed on the outside to M. F. Merritt, and on the inside the letter was addressed to Alexander Swift & Co., evidently intended for both.

Q. What was the substance of that letter?

A. I cannot repeat it, but it was in substance what I have stated to you.

Q. The whole substance of it was a request for you to come up to the Carleton house and negotiate about these two vessels?

A. Yes; to make an arrangement.

Q. He was an associate of Marquez in the previous arrangement?

A. Yes, sir.

Q. Did you go?

A. No, sir.

Q. Did he state that he was going to bid?

A. I do not think he did, but I am not positive about that. The letter is there, and can be obtained, no doubt. It was a notice that we must make arrangements with him, and he also notified Mr. Garcia that he could not take the vessels unless some arrangement was made with him.

Q. Is this the only instance in which you received any intimation from outside persons that they were going to bid?

A. I do not now recollect any others. There may have been some others, though. I heard a gentleman say that he was approached on the subject of making a bid, a man of means in New York, but he did not do it. He did not tell me who approached him or anything about it.

Q. You have stated the only instance of any direct communication to you and your associates so far as you know?

A. That is the only one that now occurs to me.

Q. So that all you knew as to there actually being other bidders who wanted to negotiate with you for the sale of the vessels, if they obtained them, is this you have named. Do I understand you aright about that?

A. I am not sure but that Mr. Secor said a gentleman called on him and said something about it. I cannot be positive as to that, however.

Q. You have stated all that is in your present recollection?

A. All that occurs to me now. I do not know but that I may have heard considerable more, but it does not now occur to me.

Q. Down to the 20th of March, had you ever heard of the firm of Fuentes & Co., of New York?

A. I never had. I have never known such a firm.

Q. Had you ever heard of W. J. Terry, of New York?

A. No.

Q. Do you know that there is any such a man?

A. No.

Q. Had you ever heard of W. D. Russell, of Newark?

A. I never heard of him.

Q. Partridge and Perry, of New York?

A. I do not know any of them.

Q. Have you ever heard of them?

A. Never.

Q. Daniels and Smith, of New York ?

A. No, sir.

Q. So far as you were personally concerned you never knew of the existence of any of these persons prior to that time ?

A. I never heard of any one of their names before that I have any recollection of now.

Q. How long did you stay in Washington after the 21st of March, when Mr. Merritt came back into that little office and told you it was all up—that you were outbidden ?

A. I went immediately to New York that night.

Q. Did you come to any resolution with your associates as to what you would do, or did they ?

A. We talked the matter over.

Q. What did you agree to do ?

A. We concluded that we would do one of two things ; that we would take two other ships if we could get them, which we knew we could get ; or if anybody else got these vessels, we would make a substitute in some form.

Q. That is, you would arrange the thing ?

A. Yes, would arrange the matter with the parties who got the ships.

Q. You knew that they were awarded to Daniels and Smith ?

A. Yes, I knew there was a bid of some million and a half in round numbers, and then there was one about \$1,300,000, I think. I knew that. Mr. Merritt gave me a memorandum of the bids.

Q. You concluded, then, to see what you could do with the persons to whom the ships were awarded ?

A. Yes, sir, or get two other ships which were precisely alike.

Q. Did you conclude which you would do ?

A. We did not, because we did not know whether they were bogus bidders or genuine bidders, or what they were. Mr. Merritt said as soon as he came out, " We have not come within gunshot of the price, if the bids are genuine."

Q. Did you rather conclude that the bid of Daniels and Smith was bogus ?

A. I did not believe any of them were genuine. I had no knowledge of the matter, but I knew this much : that France had the Onondaga on her hands and had not been able to get her over, and I did not know whether they would succeed in getting her over or not ; and I knew that the English were not likely to take them, because we had a letter from an English house stating that if the ships could be delivered across the water they could be sold, and I did not know of anybody else that would bid. I did not believe any private party was going to make the purchase and take the chance of holding the ships and finding a buyer.

Q. The result was that you thought the bid of Daniels and Smith was mere smoke ?

A. That was my impression.

Q. Was that the impression of your associates ?

A. I think it was.

Q. You concluded, then, that Daniels and Smith would not take the vessels on their bid, if there were any such persons in existence ?

A. I concluded that they would not, and yet I did not know. I concluded so from the fact that they just ran up these vessels.

Q. Did you take any steps between that time, the 20th of March, and the time when Daniels and Smith failed to make their deposit, further than you have now stated ?

A. I went to New York myself to see about the responsibility of these parties.

Q. What did you find out about Daniels and Smith ?

A. I did not find out anything.

Q. Did you hear of any such persons ?

- A. No, sir.
- Q. Did you hear of anybody that professed to represent any such persons?
- A. I do not recollect that I did.
- Q. Did you communicate that to your associates?
- A. Yes, sir.
- Q. Did you take any steps to procure any other vessels, or did you conclude to wait and take the chances of getting these?
- A. I went to see the Peruvian officers, to see if they would accept some other ships in case we lost these.
- Q. What did they say?
- A. They said, "See what becomes of these."
- Q. That is, they gave you no definite answer at that time?
- A. No definite answer.
- Q. And you reported that to your associates?
- A. Yes, sir.
- Q. What did you do then?
- A. Waited.
- Q. Waited to see if Daniels & Smith would slunk?
- A. Yes, sir.
- Q. And they did slunk?
- A. Yes.
- Q. How soon did you know it after they slunked?
- A. I think Mr. Merritt told us that day they had not complied with their bid.
- Q. Did you come on to Washington again?
- A. Yes, sir.
- Q. With Mr. Swift and Mr. Merritt?
- A. Mr. Swift was here. All were here except myself, and I was here about half my time, I suppose.
- Q. What would be the day on which their bid would fall?
- A. The bids were opened on the 20th; they did not count Sunday; they gave three business days, which would bring it to Tuesday.
- Q. Who did not count Sunday?
- A. The Navy Department.
- Q. Are you sure about that?
- A. Yes, sir.
- Q. How did you know that?
- A. Because Mr. Merritt asked them, I think.
- Q. Asked whom?
- A. I do not know whom. He said the Navy Department did not count Sundays; I do not know whom he asked.
- Q. He made inquiries, so that you were satisfied of that?
- A. Yes, sir.
- Q. Then, including Sunday, it would give four days?
- A. Yes.
- Q. That brought it to the 25th of March, did it not?
- A. I have not calculated it, but I should think it would be the 24th of March.
- Q. Were you all here on the 24th of March?
- A. I was not here on the 24th.
- Q. What day did you come after the 20th?
- A. I left here on the evening of the 20th.
- Q. When did you come back?
- A. I came back the next Sunday night, and got here Monday morning. That was the 23d.
- Q. How long did you stay?
- A. I staid on Monday.
- Q. You were not here on the 24th?

A. No, sir.

Q. Where did you go from here ?

A. To New York.

Q. Daniels & Smith's time was not up when you were here, because Sunday was not included in the Navy Department's count of time ?

A. That is my recollection.

Q. Was any arrangement or consultation had between you and Merritt, or you, Merritt, and Swift, on the subject of these vessels on the 23d ?

A. Yes ; the idea was to wait and see whether the bids were genuine.

Q. You all expected that Daniels & Smith would not come to time ?

A. We thought they would not pay the government more for the vessels than the government had paid in time of war.

Q. That is, you were sure they would not comply ?

A. That was our judgment.

Q. That being the case, what did you expect to do then ?

A. We expected then that the department would notify all the bidders.

Q. The next highest, or all ?

A. All, because we conceived then the matter was at an end. We thought they would notify all bidders, and then sell them to any one of the bidders ; but they did not do that.

Q. They notified the next highest ?

A. Yes.

Q. If the department had done as you expected they would, how much had you agreed among yourselves that you would give ?

A. I think Mr. Merritt stated to me that he offered to take the ships after the first bid.

Q. I am speaking now of the 23d of March, when you were here together and had consultation. Having satisfied yourselves that Daniels & Smith would fail to take the vessels under their bid, and then believing that they would be offered to all the bidders for the best price that the department could get, as I understand you, what did you agree among yourselves you would give the department for the vessels ?

A. As I understand the matter and your question, the agreement between the parties was to have Mr. Merritt offer to take the ships at his bid.

Q. That was your understanding when you left here on the 23d ?

A. Yes.

Q. But instead of its being done in that way the department notified the next highest bidder, as I understand you, in order to have him take them if he would ?

A. Yes, sir.

Q. Who was he ; Russell ?

A. I think it was Russell.

Q. Did you make any efforts to find out who Russell was ?

A. I made some inquiry about Mr. Russell, I think.

Q. Whom did you inquire of ?

A. I believe I inquired at the American National Bank, New York.

Q. What information did you obtain ?

A. They did not know him.

Q. What led you to inquire there ?

A. Because I was acquainted there.

Q. You merely made casual inquiry if they knew such a person. Was that all ?

A. I think I went to a mercantile agency where we subscribed.

Q. Did you find out anything of him there ?

A. I have no recollection of it.

Q. He was not on their book ?

A. I think not.

Q. Did you make any further effort?

A. I did not.

Q. Were you able to hear of him at all?

A. I think only in this way: Mr. Merritt made a note of the bids that were opened, and I think he said that Russell was from Newark.

Q. Did you take any means to ascertain at Newark, or otherwise than you have stated?

A. No, sir. I did not go to Newark, or write to Newark.

Q. All you did as to Russell was to make these two inquiries, at the American National Bank and at the mercantile agency?

A. I may have asked Mr. Secor, also.

Q. He did not know him?

A. No, sir.

Q. Then you took up Fuentes & Co. on this same occasion?

A. Yes, sir.

Q. Did you communicate to Mr. Merritt your failure to find out anything about Russell?

A. Yes, sir.

Q. By telegraph?

A. I think so, but I am not positive.

Q. What day was that?

A. Probably Saturday.

Q. What day of the month?

A. That would be the 21st.

Q. I understood you to say that you made these inquiries after finding that Daniels and Smith had fallen through?

A. I had a memorandum of all of them.

Q. Then you made inquiries before the 24th?

A. Yes. I wanted to find out how we were going to be situated.

Q. And you telegraphed to Mr. Merritt that Russell was not to be found?

A. Yes, sir. I did not know anything about him.

Q. The same as to Daniels and Smith?

A. I think so.

Q. Then you took up Fuentes & Co., and this was between the 20th and 24th that you are now speaking of?

A. Yes. I took up Fuentes & Co. on the same day, the 21st.

Q. What did you find out as to them?

A. I found where Fuentes lived. I went into the mercantile agency and found that he was a man from Mexico who had lived in New York and went back there again, and left a man in New York as a sort of representative in business without credit or means.

Q. Who was this man that he left?

A. I do not remember. I understood Fuentes to be in Mexico.

Q. And the man who represented his business you understood to be without means?

A. Very limited means. At the mercantile agency they said he might, perhaps, buy \$1,000 or \$2,000 worth on credit.

Q. Means that amounted to nothing for so large an operation; did you understand that to apply to Fuentes and the man who managed his business both?

A. Yes, sir; I understood it to apply to both. Perhaps if they had been men doing business in New York, and doing business with persons whom they knew well they might have had more credit, but to send off merchandise to Mexico in the condition of things there was not considered very safe.

By Mr. PATTERSON:

Q. Did I understand you to say that you did not know Fuentes?

A. I did not know any of them; I never heard of them before.

By Mr. EDMUNDS:

Q. You communicated that to Merritt?

A. Yes, sir.

Q. Whom did you take up next; Ferry?

A. I did not have much to say about Mr. Ferry.

Q. Did you make any inquiries about him?

A. I think I did make some inquiries in New York.

Q. What did you learn?

A. I do not recollect learning anything at all.

Q. Even the existence of a person bearing that name?

A. I could not find any commercial house of that name.

Q. You were unable to trace the man?

A. I was unable to get satisfactory information as to his ability to take these ships and pay for them, and that led me to conclude that he was bogus.

Q. Were you able to trace any such person as Ferry, saying nothing now about his means?

A. Not at that time; not that Saturday.

Q. Have you since been able to ascertain, and did you make any effort afterwards?

A. Yes, afterwards.

Q. When?

A. I returned on the 24th; then I understood some one to say that Mr Ferry was a gentleman who was from the Pacific coast, possibly Nevada, or Idaho, or California, or some of those places. I do not know anything about him; I never saw him.

Q. You acquired that information after the 23d.

A. On the 23d.

Q. And communicated it to Mr. Merritt?

A. No, I did not communicate it; I got it from Merritt.

Q. They had found that out about Ferry?

A. Yes, sir.

Q. Did you make any inquiries about Partridge and Perry between the 20th and 28th.

A. I think I made some inquiry. I have a sort of idea, without knowing much about it, that they were the same parties with Ferry & Co.

Q. The question I am now asking is whether you made inquiries at this same time to learn about Partridge and Perry?

A. I think I asked at the mercantile agency, but I did not get any information.

Q. You got it from Merritt here, then, that Partridge & Perry were nobodies?

A. No, I do not say that; but that Partridge & Perry probably represented the same concern that Ferry did, but I do not know.

Q. I understood you to say that you learned that Ferry was a man of no responsibility?

A. No, I did not say that; I do not know anything about his responsibility.

Q. Explain what you did learn about Ferry.

A. I understood that he was a man from Nevada.

Q. I do not care where he was from, but what did you learn about his responsibility, or about his having means to raise money?

A. I had a sort of idea that there was some little means there, but I did not think they had enough to manage this matter.

Q. You got that from Merritt, did you?

A. I believe that was from Mr. Merritt, but I am not positive. There has been so much of this talk that I cannot keep up with it.

Q. That related both to Ferry and to Partridge & Perry, whom you understood to be the same interest?

A. That is my present impression.

Q. All this you found out between the 20th and 25th of March?

A. Yes, sir, about that time. I do not think there was one of us who knew the names of a single one of the bidders before.

Q. Were you here when Mr. Merritt received a despatch from his house in New York about Mr. Russell?

A. I believe I was here; I am not quite sure of it, but I think I was.

Q. It was after you had communicated to Merritt what you had learned about Russell?

A. Yes, sir, after that.

Q. Did you and Mr. Merritt and Mr. Swift arrange what should be done about Mr. Russell's bid and his telegram to the department that he would take the vessels? You knew that, I suppose?

A. I heard that he telegraphed.

Q. You knew that from your associates?

A. Yes, sir. I did not see the despatch.

Q. What did you agree to do about that?

A. Let it sweat.

Q. Were you up to the department during this time?

A. I think not.

Q. Were you present when Mr. Merritt wrote a letter to the Secretary and sent check for \$175,000, offering to take the vessels that day or the next?

A. I think I was.

Q. Was that the result of consultation?

A. It was.

Q. What led to the writing of that letter; why did you not "let it sweat?"

A. The impression from the conversation was this: after the opening of the bids, the first one refusing to take the ships, not coming forward and making his bid good, it was not binding then upon any one. The highest bidder having been notified, when he did not come forward there was no binding obligation on the part of any one of the bidders. They could take or not, as they chose.

Q. But you have just stated that after the information you got as to Russell, and receiving a despatch that he had applied to your house in New York, and knowing that he had telegraphed to the department that he would take the vessels, you nevertheless concluded that you would "let it sweat." Immediately after that, or on the same occasion, you were present when a letter was written by Mr. Merritt for you all to the department, offering to take the vessels that day or the next, and enclosing \$175,000 towards the purchase; why did you do that if you had determined to "let it sweat," as you express it?

A. We had a good deal of anxiety about the matter.

Q. You were afraid Russell would get the vessels. Was he the man you were fearing at that time?

A. Russell came next in order. I am not sure what day that letter was written. I know such a letter was written, but I cannot give you the date.

Q. Was it the 26th or 27th of March?

A. I think later than that, but I do not know.

Q. What led to the letter being written and the money being sent at that particular time? Who was it you were afraid was going to get the vessels?

A. We did not know about this Fuentes & Co.

Q. Were they the persons you most feared?

A. We feared them as much as anybody.

Q. But you found that Fuentes was in Mexico?

A. But the bid was by Fuentes & Co., and we could not tell who was behind Fuentes; there might be a dozen rich men in New York.

Q. Then it was on account of Fuentes & Co.?

A. We did not know but that Partridge & Co. might take them. We could not tell. I do not see how any living man could tell except the man who wrote that letter and was connected with it. We thought that we were probably entitled to the ships at the appraised value.

Q. What led you at that particular time, after it had been running seven or eight days, to make this private offer, and go to the trouble of sending the money with it for these vessels?

A. I can give you my ideas of it.

Q. You know what the reason was. You were present when the letter was written?

A. No, sir; I was not present when the letter was written. I was present after it was written, before it was sent. I did not hear any discussion over the letter.

Q. Who had discussion over the letter?

A. I think Mr. Merritt and Mr. Secor made what discussion there was.

Q. You did not participate in, or hear, any discussion about it?

A. I do not recollect now. Mr. Swift and myself were out at the Smithsonian Institution, I think.

Q. But you came back before the letter was sent?

A. Yes, sir.

Q. Was it explained to you why the letter was to be sent just then?

A. I rather think they mentioned that it would be better to offer to take the ships at the bid if the Navy Department would accept that offer, so as to show them that the bid was a *bona fide* one if they would accept it; and if they would not, then we must do the best we could for ourselves.

Q. Did any of you go to the department and try to persuade them to give you the vessels at the bid?

A. Mr. Merritt was there. What he said to them I do not know.

Q. Did he report what he said?

A. He offered to take the ships. I do not know that he said he offered to take the ships or not; I cannot tell whether he offered or not, but I supposed he did.

Q. He went up with the letter?

A. He took the letter.

Q. And came back and reported that he had been up?

A. Yes, sir.

Q. What did he say had taken place?

A. I think he said he left the letter there and gave them a day or so to determine whether they would accept the offer or not. That was my understanding.

Q. Were you here when you got your money back?

A. I rather think not, but I am not positive.

Q. Where did you go from here, and when did you leave?

A. I went to Baltimore.

Q. On the day the letter was written?

A. No, sir.

Q. The day after?

A. A day or two after the letter was written.

Q. Did you hear anything more about it before you left?

A. Yes; I understood Mr. Merritt to say that they would not accept the proposition.

Q. That was before you went to Baltimore?

A. Yes, sir.

Q. What steps did you take about it then?

A. We just waited.

Q. You found out by that time that Russell was ruled out?

A. I think I had. His time had expired.

Q. Had you heard anything more about Partridge & Perry?

A. I do not recollect now having heard anything more about them. I have kept them in my mind more in rotation as to amounts than as to names. My recollection of names is not good.

Q. You heard on the 28th that Russell had been excluded, and when you got your money back you received from the department an offer to deposit the same amount of money and take your turn in the bidders if the vessels should be awarded to you, did you not?

A. I cannot answer that question, because I do not know. There was such an offer made, but when exactly I do not know. I think it was Saturday, about the 28th. Russell must have been out then.

Q. You received that offer on the same day your money was returned?

A. They made the offer, and it strikes me that it was on Saturday the 28th, and it was open for two days. Then my recollection of the names is that this offer was made after the second bidder fell through.

Q. Why did you not deposit the money under the second offer?

A. They would not accept it.

Q. You do not understand me. When you received your money back and they would not accept your special offer, did you not receive a letter from the department requesting you to deposit the 20 per cent. on your bid, which would be \$175,000, and to take your chances in the order of the bids for an award?

A. I do not recollect that.

Q. How long did you stay here? Did you come back from Baltimore?

A. Yes; I was there a day or two.

Q. When did you return?

A. I cannot tell exactly.

Q. Was it Monday the 30th of March?

A. Later than Monday, I think.

Q. Tuesday the 31st?

A. I could refer to a memorandum which I have got, but I cannot answer you now. It was some time between the second and third bids, I think, that I went to Baltimore, and I staid there nearly two days. Then I returned here, and I remained here until the business was finally disposed of.

Q. You were here, then, on the 1st and 2d of April?

A. Yes; after I returned from Baltimore I did not go away until the matter was ended.

Q. Can you not remember whether you came here on the 30th or the 31st of March, just before the thing was disposed of?

A. I cannot tell within three days.

Q. Do you remember having had any consultation with your associates, or hearing any between them, after your return from Baltimore, and before noon of the 1st of April, when the thing finally blew up, and you took the ships by private sale?

A. We wanted the ships, and I presume we did have a talk.

Q. Do you remember what it was?

A. I do not recollect any particular conversation that occurred.

Q. Were you informed, when you got back from Baltimore, that the probability was that none of the other bidders would be ready to come in?

A. I think not.

Q. Had you received any further information about it at all?

A. I do not know that I had. I do not recollect now.

Q. Did you do anything about these vessels before the 1st of April other than what you have stated?

A. In what particular?

Q. In any particular.

A. I do not recollect.

Q. Did you know when you came back from Baltimore that at noon on Wednesday, the 1st of April, the thing would be finally determined, whether any of the bidders should be permitted to have the vessels?

A. Yes, sir.

Q. When did you first learn that?

A. I knew that Mr. Merritt received a letter notifying him that if he wanted the ships at his bid he should make a deposit. As I understand, that was written to all the bidders except the two highest, after the second bid expired. The substance of it was that if any one of the bidders wanted the ships at their appraisal they would have to appear within a specified time and make their deposit.

Q. That time was by 12 o'clock of Wednesday, the 1st of April, was it not?

A. About that, I think.

Q. Inasmuch as you wanted the ships at your bid, and were trying so hard to get them, why did you not comply with that offer?

A. We were disposed, as the matter then stood, and with the best lights we could get, to take the risk of getting them.

Q. Then you had become satisfied that the bids would all fall through?

A. No; we were not entirely satisfied, but we concluded that we would take the chances. We rather thought, our impressions were, that there were no parties that wanted the ships but that we did not know.

Q. What led you to change your minds between the date of Mr. Merritt's letter and the 1st of April, as to taking your chances?

A. The intention all along was to await the issue unless they accepted the bid. Mr. Merritt said, after he wrote the letter, that he thought the better course for him to pursue would be to offer to take the ships, that he might show that he was not a spurious bidder, as he presumed the others might be.

Q. I understood you to say a few moments ago that the reason for sending this letter of Mr. Merritt's, with the \$175,000, was that you were in a state of great anxiety about getting these vessels, and that you did this in order to make sure, if the department would accept your proposition, of getting them without running the risk of other bidders taking them. Did you say that in substance?

A. Yes, sir.

Q. Now, taking that to be true, I wish you to tell us what led you and your associates to change your minds and to lose your anxiety between that time and the time when you declined to accept the Secretary's offer to deposit your money and take your chances with the other bidders.

A. We had anxiety up to the last moment, but we wanted to take our chances.

Q. On just the same state of facts as far as you know?

A. I do not know that we saw anything which had a tendency to change them; but we could not tell, because, as I stated, neither myself nor any of the associates that I have any recollection of knew any one of the parties.

Q. There was no new fact or information of any kind that came to your knowledge between the time when you sent your money to the department and the time when you decided that you would not do anything about it until you could get them at private sale?

A. I do not know now. It does not occur to me. There may have been, but I do not recollect.

Q. Were you at the department on the day the bids finally fell through?

A. Yes, sir.

Q. What time did you go there?

A. About 1 o'clock.

Q. With whom?

A. With Mr. Merritt.

Q. Did you not go before 12 o'clock?

A. I think not. It may have been, but my impression is that it was between 12 and 1.

Q. Where did you go when you got there?

A. Into Mr. Faxon's room.

Q. What took place there?

A. We asked if any of the bidders had made their bids good, and they said they were not aware of any having been made good.

Q. What else was said?

A. Then we asked if we could have the ships at the appraisal.

Q. What did Faxon say?

A. He said he wanted to wait a little longer to be sure that there was no bidder who made the deposit at any place. I think the deposit was required to be made at the navy agent's or paymaster's here, and I think he said he wanted to wait a day to see if anybody would take the ships.

By Mr. PATTERSON:

Q. Faxon knew that Mr. Merritt was one of the bidders?

A. Oh yes, sir; he knew that.

By Mr. EDMUNDS:

Q. What else was said?

A. That was the substance of the conversation.

Q. Tell everything that took place at that interview, every word that you can remember, and where you cannot remember words, the substance?

A. I have given the substance. I think he said that he would perhaps see the Secretary. I think he did go and see the Secretary, and I think the Secretary said they must wait a day and see if there was anybody who would come. That is my recollection of it. After that we left the department. There may have been some other conversation.

Q. Did Mr. Faxon say anything to you or to Mr. Merritt about the fact that Merritt had just offered \$801,050 for the vessels?

A. I rather think he did speak of it.

Q. What did he say?

A. He said that if nobody else took the ships we could have them, and then they were turned over to Mr. Lenthall. There was a long controversy about it.

Q. What did Mr. Faxon say about Mr. Merritt's having bid \$801,050 at that particular interview when you were at the department, at one o'clock of the 1st of April?

A. I really do not recollect that he did say anything, but yet may have said something.

Q. But you do not remember that he said anything?

A. I think he said that if the ships were not sold by the next day if Mr. Merritt wanted them at the bid he might have them, and Mr. Lenthall the next day insisted upon Mr. Merritt's taking the ships.

Q. You say that your recollection is that Mr. Faxon said at this interview, at one o'clock on the 1st of April, that after waiting a day if Mr. Merritt wanted the ships at his bid he could have them?

A. Yes, sir.

Q. Do you remember that?

A. I do not distinctly recollect that.

Q. Do you think that was said, or not?

A. My impressions are that it was said. I know that it was said by Mr. Lenthall.

Q. That is a different thing. We are now speaking of Mr. Faxon. What reply did Mr. Merritt make to that observation of Mr. Faxon, if Mr. Faxon made any such observation?

A. My impression is that Mr. Merritt said he would not take the ships.

Q. What did he say?

A. I do not recollect that I heard anything. I was there but a minute or two and went right out.

Q. Did Merritt stay longer than you?

A. I think not. I think Merritt went with me and came with me.

Q. You say, then, if I understand you, that no arrangement at all was come to in respect to these ships on that day at that interview?

A. No, sir. The department declined to let the ships go until they knew positively about the bidders.

Q. Have you now stated all that took place between yourself and Merritt and Faxon on that occasion?

A. All that I recollect.

Q. To the best of your recollection?

A. To the best of my recollection.

Q. Did you have any interview with any other person at the Navy Department on that visit?

A. My impressions are that we did not, but I think we called on Mr. Lenthall and he was not in.

Q. How came you to call on Lenthall?

A. Because the other ships were left with him for sale.

Q. Do you mean that you went to call on him about the other ships?

A. No, sir. Mr. Merritt and myself have been there a great deal the last five years. I know Mr. Lenthall very well. Our contracts for government work were for four ships, amounting to something over two millions and a half of dollars.

Q. My question is, what you went down to Lenthall's office for on that occasion?

A. To see if he was in, if we did go. I am not positive whether we did go or not.

Q. Give us the best of your recollection.

A. My impression is that we looked into the door and saw that he was not in.

Q. What was it that you looked in for?

A. If we found him we should have gone in, I presume.

Q. For what purpose?

A. I think Mr. Merritt suggested that we step in to see Mr. Lenthall.

Q. Had you no purpose in your mind connected with these vessels, in going to see Lenthall on that occasion?

A. Not particularly.

Q. Generally?

A. I do not think that we had generally. I do not recollect.

Q. You have no recollection of any purpose whatever connected with these vessels in going to see Lenthall?

A. No, sir.

Q. Did you see Lenthall on that day?

A. I think not.

Q. And had no communication with him?

A. I think not.

Q. What did you do next about the vessels?

A. We waited until next day, the 2d of April.

Q. What then?

A. We went up and talked with Mr. Lenthall about the ships.

Q. At what time of day?

A. I should think between 10 and 11 o'clock. It may have been 10.

Q. After going to the department on that occasion, into whose room did you first go?

A. My recollection is that we went right to see Mr. Lenthall.

Q. His office is down stairs on the ground floor, is it not?

A. Yes, sir.

Q. And the Secretary's office and Mr. Faxon's office are up stairs?

A. Yes, sir.

Q. You and Mr. Merritt then went in to see Mr. Lenthall first? Now state what took place between yourselves and Mr. Lenthall?

A. We asked him about the ships.

Q. What did you ask him?

A. We asked him about the Catawba and Oneoto.

Q. Is that what you said to him?

A. I think that was the way we commenced talking.

Q. Go on and give the full conversation.

A. It was half an hour, I suppose. I am not able to repeat it.

Q. Repeat all you can.

A. We went there and said our object was to take the ships at, I think, \$355,000 or \$345,000 each, which was contained in a written proposition, or at the appraised value if our proposition did not cover the appraisal; that we were aware the ships could not be sold less than that, and that we would take them at whatever the appraisal was, be it more or less. He said, "You must take them at your bid." Mr. Merritt said, "No; we will take them at the appraisal." After perhaps half an hour's conversation or more, Mr. Lenthall went up stairs in the department. He said he would go up and have an interview with the Secretary. He went up, was gone a little while, came back again, and said it was concluded that we should have the ships. I do not know what took place between them.

Q. What time did they come back?

A. I should think they were back not far from 11; it may have been 12 o'clock.

Q. What was done after they got back? Were any papers made out?

A. There was simply a little writing that they concluded to let us have the ships, and a deposit of \$175,000 was made and a receipt given to that effect.

Q. You had written a letter making an offer, had you not?

A. Yes; I stated that we made a written proposition.

Q. When was that written?

A. The morning before we went.

Q. That morning, the 2d of April?

A. The 2d or 3d; it was the next day.

Q. You wrote it on the morning of the next day?

A. On the morning we got the ships.

Q. Are you sure?

A. I think I am sure about that.

Q. Where was it written?

A. In Mr. Merritt's room at Willard's.

By Mr. BENTON:

Q. Was it not written on the 1st of April?

A. I think not; though it may have been dated on the 1st of April.

By Mr. EDMUNDS:

Q. [Exhibiting to the witness a copy of a letter dated April 1, 1868, signed "Alexander Swift & Co."] Is that a copy of the letter?

A. That is a copy of the letter.

Q. Does it bear a true date?

A. I presume it does ; but it does not occur to me that that was the day.

Q. Was it intended to bear a true date ?

A. That is my impression.

Q. Who wrote the letter ?

A. I wrote it. I have no recollection of any conversation about misdating.

Q. Do you remember any intention to misdate it ?

A. No, sir. We may have spoken about it, but if so I do not recollect it.

Q. Are you sure you did not have two interviews with Mr. Lenthall, and that this offer was not made before you left the department on the 1st of April, at 1 o'clock, after your interview with Faxon ?

A. I will not speak positively ; but my recollection is, that we only saw him once, and yet I may be mistaken.

Q. You deposited \$175,000 the same day ?

A. The day we got the approval.

Q. You deposited the same money which had before been returned ?

A. The same checks.

By Mr. WELKER :

Q. Do you know anything about the circumstances under which that deposit was withdrawn or why it was done ?

A. It was not in the shape of a deposit ; it was only as an offer. I was not there, nor have I any recollection of any conversation that took place ; but my idea was, that it was simply a letter with checks—a conditional offer.

By Mr. PATTERSON :

Q. On the 1st of April, when you had a conversation with Mr. Faxon, did yourself or your associates intimate that you would not take the vessels at your bid ?

A. I think Mr. Merritt notified him that we would not take them at the bid.

Q. Did you intimate that you would negotiate with him or anybody else in the Navy Department on the subject ?

A. My recollection of it is not very clear ; but I am impressed with the idea that we told him we should like to have the ships at the appraisal. We knew very well that if the appraisal was over the bid they would not urge the acceptance of the bid.

Q. Do you remember Mr. Faxon's reply to that ?

A. I do not. All I recollect is, that Mr. Merritt and Mr. Faxon went in and had a little talk with the Secretary. No, I am not sure that Mr. Merritt did go in. He came back and stated that the Secretary wanted to give more time to allow any one who was disposed to purchase the ships to make his bid good.

Q. Did not Mr. Faxon direct you to go down and talk with Mr. Lenthall about it ?

A. I do not recollect that he did ; but I think we did go down and look into the door. I do not recollect that it was at Mr. Faxon's suggestion ; possibly it may have been.

By Mr. EDMUNDS :

Q. Have you or your associates promised or undertaken in any way to pay anything to anybody for assisting you in obtaining these vessels ?

A. From the Navy Department here ?

Q. Yes.

A. Not to my knowledge—not one dollar.

Q. Was any part of the \$2,000,000, you have spoken of as the contract price, to be paid over to anybody except the persons you have named as being the partners in the transaction by yourself ?

A. You mean in this country ?

Q. Any country.

A. We have to pay something abroad and something here too.

Q. Take it in this country, then; I do not know that it is material to us to know about foreign countries.

A. We are to pay a man by the name of Farrand. We have paid him \$9,000.

Q. The same man you mentioned before?

A. Yes, sir. We agreed to pay him \$10,000.

Q. For what consideration?

A. He brought me to Marquez, at Mr. Merritt's office.

Q. That was for a kind of brokerage between you?

A. There was no legal claim; but he brought him there, and we were disposed to give him a consideration, which he agreed to take and not interfere with us. Then he wrote us this letter of which I have spoken.

Q. That payment and that arrangement related, as I understand you, solely to your relations with the government of Peru or their agents?

A. Yes; you might call him a Peruvian agent.

Q. The persons professing to act for them: did it relate solely to those, do you mean?

A. He was from Peru.

Q. Did that payment have anything to do with what Farrand or anybody he could influence should do in respect to the vessels here?

A. Nothing.

Q. Have you paid or promised to pay any part of that money or any other money to anybody else, besides Farrand, in this country?

A. I do not know that we have paid anybody else in this country.

Q. Or promised to pay anybody?

A. Or promised to pay anybody.

Q. Or to make any gratuity or donation to anybody?

A. I do not know that we have in this country.

Q. Do you know whether you have or not?

A. It does not occur to me.

Q. Do you know of or have you ever heard of any expectation or understanding or intention on the part of any of you gentlemen to pay any part of this money or any other money, or to make any gratuity out of this money or any other money, under any name, of any kind, to anybody besides Farrand in this country?

A. I do not know that there is any agreement to that effect.

Q. I did not ask you for agreement. I ask again, do you know of or have you heard of any expectation or understanding on the part of any of you gentlemen to pay any part of this money or any other money, or to make any gratuity out of this money or any money, under any name, of any kind, to anybody besides Farrand in this country?

A. I do not know of any agreement or understanding or expectation which anybody has to expect money from us.

Q. That does not answer the question. The question related to yourselves, not to the expectations of other people, and you have changed it in your answer so as to say that you do not know of any agreement or expectation that anybody else has a right to rest upon in expecting money from you. You probably are not aware of the change you made. I am bound to presume you are not. Now be good enough to answer the question.

A. Do you mean that we are to give somebody a consideration?

Q. The question was repeated.

A. I do not know of anybody that is to receive money here, or that expects money, or has any understanding that money is to be paid to.

Q. You have not answered the question now; you have left it entirely on understanding between yourself and somebody else. You say you do not know of any such understanding. You cannot have failed to notice that that is very far

short of being an answer. Have you any further answer to make to the question?

A. I said that I did not know that there was anybody who was to expect anything or who was to have anything.

Q. Have you any further answer to make to the question I put to you?

A. I do not know what other answer I can make to it.

Q. I will try to subdivide it for you. Do you know of any intention having existed at any time, or any expectation, that any part of this money would be given to anybody in this country aside from Farrand?

A. I do not know of anybody.

Q. Have you had any such expectation or intention yourself?

A. I do not expect to give any one anything.

Q. Have you had any such intention?

A. I do not know that I have.

Q. Have you known or understood that your associates or any of them have intended at any time to part with any of this money or any other money having any relation to this subject?

A. I have not understood that they had.

Q. Have you heard that they had?

A. I have not.

By Mr. BENTON :

Q. Have you suspected it?

A. No, sir; I have not.

By Mr. PATTERSON :

Q. Have you had any reason to suppose that there was an understanding between yourself or any of the gentlemen connected with you and other parties that they would receive a consideration in connection with this matter?

A. I have no knowledge of any understanding or intention.

Q. Have you any reason to suppose that there is such an understanding?

A. I do not know that I have any reason to suppose that there is such an understanding.

By Mr. EDMUNDS :

Q. Who has been your counsel?

A. Not anybody.

Q. Do you know a man named Major Hays?

A. It does not occur to me now. I may know him.

Q. What security did you or your associates give for carrying out your part of the contract with the Peruvian government that has been referred to?

A. Mr. Merritt and Mr. Zeno Secor and Mr. Charles Secor.

Q. Their personal bond?

A. Yes, sir.

Q. On sureties, or was their responsibility considered sufficient?

A. Their responsibility was considered satisfactory.

By Mr. PATTERSON :

Q. Have you any reason to suppose that the Secretary of the Navy or any one connected with the Navy Department knew that you or your firm were connected with Mr. Merrick in the bid that he made?

A. I have not any knowledge of it at all.

Q. Have you any reason to suppose it?

A. I have no reason to suppose they knew anything about it. My impressions are they do not know. I have no reason to suppose that they know. They know this much: that we have been talking about the ships, and that they have sent various parties to Secor's, in New York, and to Harlan & Hollingsworth, in Wilmington, and to Mr. Greenwood, who wanted to purchase ships. I do not think they know.

By Mr. EDMUNDS :

Q. What you mean to say is that, so far as your knowledge goes, they do not know, but they may know without your knowledge?

A. Exactly.

M. FRANKLIN MERRITT recalled.

By Mr. EDMUNDS :

Question. State whether you have had any knowledge or belief that any sum of money was to be paid, or given, or donated, or in any way passed out of the joint ownership and possession of yourself and your associates, as connected with the purchase of the Catawba and Oneoto by you?

Answer. Not in any form.

Q. That question does not go merely to bargain or understanding, but goes to expectation or intention on the part of your associates and yourself. You had no intention, then, of making any present or in any other way disposing of any part of this money or any other money of yours as connected with the obtaining of these vessels, except the regular price you were to give for them to the government?

A. No; I can hardly tell what I may have intended to do with money I might make; but if I ever had any such intention I never stated it to any party.

Q. Is there any person in your mind, have you ever thought of any person, whom you have expected would be benefited by your procuring these vessels from the Navy Department, except your own partners?

A. That is a question I do not know how to answer. I can scarcely tell whether I had any intention or design of the kind. Yes, I can answer that. I have not. That is my answer. I have not.

Q. Have you had, at any time, any person in your mind whom you have expected would, in any way be benefited by the disposition of the vessels to your firm?

A. No, sir.

Q. Or to you?

A. Nor to me.

By Mr. BENTON :

Q. After the trade is fully carried out, by the final delivery of the vessels and the receipt of your pay from the foreign party, is there no such expectation in any contingency?

A. You are carrying that to an extent that I really cannot carry my mind down so minutely. I do not mean to say I might not hereafter do a friend a good turn in the way of business. I might. I cannot tell what my intention would be; but connected with the purchase of these vessels I have never made a promise.

By Mr. WELKER :

Q. If you succeed in consummating the sale to the foreign government and realizing what you may expect by way of profits, is there any intention on the part of yourself and your associates to divide any of the profits to be realized from that with anybody outside of yourselves?

A. No.

By Mr. PATTERSON :

Q. Is there any party, to your knowledge, outside of your firm, who has aided you in securing this contract, or who deserves well of you and your firm for having secured the contract?

A. No one that we recognize at all. There is a man who makes a claim upon us under the first contract, which was repudiated.

By Mr. EDMUNDS :

Q. You may state who that man is.

A. Farrand.

By Mr. WELKER :

Q. He is the man who introduced you to the Peruvian consul ?

A. He is the man who introduced us to Marquez.

Q. And for that you were to give him some compensation ?

A. Yes.

By Mr. EDMUNDS :

Q. Did you have any conversation with Mr. Faxon about these vessels, in the month of March, at Stamford, in the State of Connecticut ?

A. I have no recollection of any ; his visit was entirely social. Whether the subject was mentioned I cannot say, but I have certainly no recollection of it.

By Mr. PATTERSON :

Q. Whom did you state the other day that you were associated with ?

A. Swift & Co.

Q. Swift & Ricker ?

A. They constitute the firm of Alexander Swift & Co.

Q. Did you mean that they were all your associates ? You stated the other day that they were the only persons associated with you.

A. I was asked who constituted the firm of Swift & Co., and I answered Swift and Ricker. I did not mean to say that they were the only persons associated with me. I meant to say that no one else composed that firm. Zeno Secor is interested with us in this matter.

[The committee informed the witness that as the information covered by the questions heretofore put to him, which he had desired time to consider the propriety of answering had been obtained from another witness, they thought it unnecessary to proceed to the consideration of the questions, as he still preferred not to answer them]

WILBUR F. STOCKING sworn and examined.

By Mr. EDMUNDS :

Question. Where do you reside ?

Answer. New York city.

Q. What is your occupation ?

A. I am a broker.

Q. Were you engaged as a broker by any persons bidding for the two vessels, Catawba and Oneoto, at the Navy Department, in March last ?

A. Yes, sir.

Q. Who were your clients ?

A. Messrs. Partridge and Perry.

Q. Who are they ?

A. Mr. Partridge is a gentleman I have known for eight or nine or ten years.

Q. Where do they do business ?

A. In New York city.

Q. At what place ?

A. I do not know that they have any office. Mr. Partridge is a man that does not do any business except speculating. His father is a wealthy man. Mr. Partridge used to be in the furniture business.

Q. What is the occupation of the firm ?

A. I do not know any of them except Mr. Partridge.

Q. What is Mr. Partridge's responsibility ?

A. I do not know indeed. He has always kept every agreement he has made with me. I had business with him before.

Q. What were you employed to do about these vessels ?

A. I came on here for them to see if their bid was likely to be accepted.

Q. Did you have anything to do with the making of the bid?

A. Yes, sir.

Q. At what time did you come on to see whether it was likely to be accepted?

A. On the 29th of March.

Q. After they had received communication of the fact that the highest bid had fallen through?

A. Yes, sir.

Q. What did you do when you arrived here? Go on and give a detailed statement of what occurred?

A. I got here on the 29th, which was Sunday; on Monday afternoon I received notice that they had been notified that their bid would be entertained; on Tuesday I went to the Navy Department in order to satisfy myself about the figures, because when the bids were opened it was telegraphed to New York, and I saw that there was a difference between the statement that was sent there and the statement which I afterwards saw as having come from the Navy Department; I went to the department and asked for Mr. Faxon; I was told that he was not in just then; I waited a few moments and Mr. Faxon came in; I asked, "Is this Mr. Faxon?" He said, "It is." I asked if he was Assistant Secretary of the Navy; he said he was; I told him I called there to get from the department the exact figures of the different bids that were made for the iron-clads Oneoto and Catawba—such bids as were opened and read on the 20th of March; Mr. Faxon asked me why I wanted to know; I told him I was the attorney for some parties in New York who had bid for the vessels; he asked me who; I told him Partridge & Perry; he asked why I wanted this information; I said, "In order that I may be perfectly sure, because I have to put up the deposit here;" he asked me if my principals did not know the amount of their bid; I told him that I presumed they did, but I did not want to make any mistake about it; the thing had been simply telegraphed to me from New York, and I wanted to be certain; he said he could not give me the information; I asked him if he would allow me to see the records; he said no, he would not; I told him that I had understood that such information had been obtained at the Navy Department by other parties and for that reason I called, and I begged him to excuse me if it was not proper; I then went out; after I got into the hall, as I was going out, he said, "You must see Mr. Secretary Welles, and if he will give you an order for it, I will give you the information." I went in right away to see Mr. Welles, because it was afternoon, and according to the notice they had to put their money the next day by 12 o'clock, which was less than three days' notice. I went in and asked Mr. Welles almost exactly the same questions; I asked him if he would be kind enough to either furnish me the information or allow me to see the records; he asked me why; I told him because I represented parties interested, who had bid for these vessels, and that they wanted to get the exact amount; he said no, he could not give it to me; I said to him, "Is it an unusual thing to make such a request as that, Mr. Secretary? If it is I beg to be excused, but I was under the impression that that information ought to be furnished to me, particularly as I am a party interested." He said, "I cannot furnish you with any such information." As I was going out I said to him, "Do I understand you to say positively that the information will not be furnished to me by your department?" He said, "Yes, sir," and just as my hand was on the door he said, "If you will make a request in writing I will consider it." I said to him that I would think the matter over, and while I was yet in the office I drew up a request in writing as respectful as I could, but it was then so late in the afternoon that I knew I could not, or probably would not, get an answer before the thing was up the next day, and I did not hand it in. I then immediately telegraphed and wrote to the parties in New York, and I received that afternoon a despatch saying

that the money would be forwarded by a messenger that night. That party came on here, but after I had received this answer at the Navy Department it looked as though it was an inside ring somewhere, as though some one had the start. The party came on with instructions if everything was not clear not to put up the money. Further than that I do not know, because the party who brought on the money had charge of the thing afterwards.

Q. Who was that person?

A. Captain Comstock.

Q. Did you know yourself that he actually brought the money; that your clients were prepared to put up the money?

A. I believe it to be so.

Q. As a matter of business, you understood that to be the fact at the time?

A. Yes, sir, because I knew they had parties who had plenty of money who would back them. I new that before I left New York.

Q. Do you know what disposition they expected to make of the vessels?

A. No, sir.

Q. Do you know, or were you informed, that it was with any view to compel Swift & Co. to take them at a higher price?

A. No, sir; not that that was their first intention. I saw the representative of one party who bid on these vessels, Fuentes & Co., and this gentleman, Mr. Garcia, told me that Merritt & Co. had sold these vessels for \$2,000,000 to the Peruvian government; that he knew it, for he had a copy of the contract made in Peru; that he had seen it himself, and was positive about it; that they were sold, and that \$300,000 had been paid to Merritt & Co., and that they would have to have the vessels at any price; and he suggested to me that if my parties could purchase other vessels, I could make more money by selling out to them. I told my parties, and they told me to manage the thing, and if there was more money to be made by selling out they would sell out. Mr. Garcia made me the proposition that his bid go by, and if ours was confirmed, if these parties would buy us out at a larger figure than we could make out of it, I was at liberty to sell.

Q. Garcia was acting for Fuentes & Co.?

A. Yes, sir. My agreement with him was that if I sold out the bid I was to give him a portion.

Q. Who was this Garcia?

A. I never saw him before, but he gave me his card as consul general of Uruguay.

Q. Having a place of business in New York?

A. Yes, sir, at 19 Broad street. I saw him there, and that was the name on the office door.

Q. What do you understand the actual reason to have been why Partridge and Perry did not make their deposit?

A. I do not know, except that I think they thought, as they expressed it, that the thing was cut and dried; that they could not get the vessels anyhow. When I wrote them, the money had to be deposited by 12 o'clock next day. That was cutting short the time, the three days in which they had to raise such an amount of money and send it here. But they telegraphed me that it would be here. Then it had to be deposited in currency. The paymaster informed me that he was instructed to receive nothing but currency. I went around here trying to get currency. I went to Lewis Johnson & Co. They gave me \$20,000 and raised \$5,000 more and sent it to the First National Bank in order to have it here in time to make the deposit, but it was impossible to get over \$200,000 in currency in town before 12 o'clock that day.

Q. Had you means to raise it in the way of drafts?

A. Captain Comstock said he had and went to Messrs. Riggs & Co. I saw

the Messrs. Riggs; went there to see Captain Comstock two or three times. They seemed to know him very well and were perfectly satisfied. I had never met Captain Comstock before.

Q. Did you see Paymaster Jackson yourself?

A. No, sir.

Q. From whom did you learn that he would take nothing but currency?

A. From one of the firm of Lewis Johnson & Co., who went there. I asked him to make inquiry if nothing but greenbacks would do, as it was impossible to get them. I asked him if a certificate of the Treasurer would not do. I thought Riggs & Co. might perhaps deposit bonds or checks, as Captain Comstock told me he could arrange it if we could not get currency. I telegraphed to New York not to send bonds, to send nothing but greenbacks, so that there would be no failure, and they sent on Captain Comstock, and he said that he could fix all that. I impressed on him the idea that nothing but currency would do. He went to Riggs & Co., and told me he had made arrangements there by which he could get the Treasurer's certificate. Then I took a carriage and went to Lewis Johnson & Co.'s and asked them whether that would not do. They went to Paymaster Jackson and he told them that that would not do; that he had instructions to receive nothing but greenbacks.

Q. Where is the place of business of Lewis Johnson & Co.?

A. At the corner of Tenth street and Pennsylvania avenue.

Q. Have you now stated all that you know relative to the purchase of these vessels from the Navy Department?

A. I believe that is about all.

JAMES T. RYAN sworn and examined.

By Mr. EDMUNDS:

Question. Do you know anything about the bids for the iron-clads Catawba and Oneoto at the Navy Department this spring?

Answer. All I know about those bids is, in the first place, that before Congress assembled, I was thinking about the iron-clad proposition generally. Being familiar with it, I was a little in advance of all of them, perhaps. I brought a skeleton bill to Senator McDougall before the original Monitor was built. I have been building some of the ships, and have been familiar with the subject. What I know about these special bids is that I thought it would be a good thing for the government to get rid of the iron-clads of an inferior class; that the time had passed for them. Progress has been made in the last six or seven years in that mode of warfare by the whole world as well as us, so that they are now things of the past. I was fixing up a programme by which I could get back the ship I was mainly instrumental in—the Camanche, of California—and sell it either to Mexico or Peru, and have the money spent in finishing a better ship. I came here, and found a resolution in Congress to authorize the department to sell some of these ships. After it was passed I saw an advertisement, inviting 30 days' proposals and the putting up of 20 per cent. in three days. I said I did not want to bid on any of those ships unless I had a sale for them. I spoke to some persons about it. Finally, I found a lot of men that had bid—quite a number—some of them at Willards' hotel. My impressions are, from what I had heard and know about it, that none of those bidders complied with the bid. They did not want the ships.

Q. Did you have any conversation with Mr. Merritt about it?

A. I did; very little conversation.

Q. What took place between him and you?

A. The conversation was this: That he had submitted a bid; I think it was eight hundred and some odd thousand dollars. There was a man named Terry who first spoke to me particularly about it. He came on here. I looked on

Mr. Terry as a man trying to make some money, if he could get a chance. He seemed to be representing a firm in New York. I have forgotten their names. He introduced me to one of them; good men.

Q. Were they Fuentes & Co.?

A. No.

Q. Daniels and Smith?

A. No.

Q. Partridge and Perry?

A. No.

Q. Corleiss & Co.?

A. I think that is the name. He talked as if they had an arrangement made with some foreign government by which they could make money. I talked with him a little about it; and I went to see Merritt, and Merritt told me that he had put in a bid so and so, but I made up my mind that no one would put up the 20 per cent.

Q. Were you authorized by Terry to make any proposition to Merritt?

A. Yes. He told me this: That he had bid, or the persons he represented; whether it was his bid or not I do not know; and he told me the sum he had bid, but I forget the price. I did not think there was any substance in it.

Q. What did he authorize you to do?

A. He told me that, if they withdrew their bid, and if Merritt would stand on his bid, they would divide the profits; but Merritt spurned the idea—would not have anything to do with it. That was the conversation. I made up my mind that it was all a bogus arrangement—bidding all around; that no one would put up the 20 per cent. I would not bid, unless I meant to comply with the terms. I had nothing to do with the bidding beyond this general talk. I came to the conclusion that none of them would put in a cent.

Q. Is that the whole of your connection with it?

A. That is all.

COMMITTEE ROOM, CAPITOL, *May 21, 1868.*

CALVIN C. JACKSON sworn and examined.

By Mr. EDMUNDS:

Question. You are a paymaster in the army?

Answer. Yes, sir.

Q. How long have you held that position?

A. Since the 17th of July, 1857.

Q. You are stationed at Washington?

A. I am now.

Q. And have been since February?

A. Yes, sir; before that. I was ordered to report here on the 1st of November, 1865.

Q. Did you receive any instructions from the Navy Department in the latter part of last March, touching the deposit with you of any moneys to be advanced or paid on the sale of the two iron-clads Oneoto and Catawba?

A. Yes, sir. I did not receive any written instructions, but the Assistant Secretary of the Navy told me that there were to be bids upon I think these two iron-clads, and that the bidders had been instructed that they must deposit with me the sum of \$20,000, I suppose on each vessel.

Q. What did he say to you, if anything, on the subject of the kind of funds the deposit was to be made in?

A. Not a word, but of course I shall follow my general instructions that it must be in lawful money. I did not use anything else and would not receive anything else.

Q. By "lawful money" you mean United States notes?

A. United States notes or national currency notes.

Q. Do you mean that you were authorized to receive the notes of national banks?

A. I am never authorized to receive anything but money or what is receivable as money. The government pay out national bank notes, and I suppose I should receive them, because I consider them the same thing in reality as legal tender notes. I remember that Mr. David Walker, of the house of Lewis Johnson & Co., came up and wanted to know if I had had such instruction and I told him that I had, and that the money was to be received that day until 12 o'clock, and when 12 o'clock came that was the end of it. That was my instruction. He wanted to know if I could receive a certificate of deposit on any bank or anything of that kind. I said no. He wanted to know if I would receive a certificate of deposit on the treasury. I told him that I might do that, but as to anything else I would not.

Q. Did he make any inquiry touching receiving currency?

A. It seems to me there was something of the sort.

Q. Currency as distinguished from United States notes?

A. No, sir; I think not. I do not think there was any such inquiry made.

Q. What was said on the subject of currency?

A. I do not think there was anything else said about it except that I would receive nothing but lawful money.

Q. You told him, if I understand you, that you would receive nothing but lawful money?

A. Certainly I did.

Q. Was anything said between you and him on that occasion as to what was meant by the term "lawful money?"

A. I do not think there was. There would not be likely to be, because he was a banker.

Q. Did you tell him on that occasion that you were instructed to receive nothing but lawful money?

A. I do not think that I told him that I had been instructed not to receive anything but lawful money for that particular purpose, but if anything was said the idea was that such were my general instructions.

Q. Did you say anything about it?

A. I think I did. I believe I did.

Q. You think then that you told him you had been instructed not to receive anything but lawful money?

A. I think so. I do not know that I had my mind on this very particular transaction, but on general transactions.

Q. Did you say anything on that occasion about your having such general instructions, or did you merely tell him that you were instructed to receive nothing but lawful money?

A. I cannot tell you, because it passed out of my mind. Twelve o'clock came in the course of a couple of hours, and there was nothing done about it. I received no written instructions. I was also instructed to notify the department when the hour arrived, whether anything had been deposited, which I did do.

Q. You notified them that nothing had been deposited?

A. Yes, sir.

Q. Did you notify them exactly at the hour of 12, or immediately after?

A. Immediately after.

Q. Where is your office?

A. On the corner of Pennsylvania avenue and 15th street.

Q. A short distance from the Navy Department?

A. A very short distance. I sent my man down with a note to Mr. Faxon.

Q. About what time in the morning did this gentleman from the house of Lewis Johnson & Co. call?

A. I should think it was about 10 o'clock.

Q. He informed you that he was there with reference to understanding about the deposit for the sale of these two vessels, as I understand you?

A. I think so. I have known him for a great many years; he asked for me, and came into my room. He then asked me if I was not to receive the deposit on these vessels. I told him those were my instructions; that I was to receive the deposit at any time before 12 o'clock that day. Then the conversation which I have told you as near as I can recollect occurred, about whether a certificate of deposit would do, or anything of that sort. I told him no; I must have the money. But I had received, as far as my recollection goes, no specific instructions as to this particular transaction, but it was under my general orders as disbursing officer.

Q. Is your recollection clear upon the point as to whether you had received any specific instructions as to these two vessels?

A. I do not think I had, because I have in repeated instances gone to the department since I have been here to ask about those things, and I have always been told, "Of course you cannot receive anything but money," and I supposed that was the general scope of my duties. I have had repeated applications, as you may imagine, from people who wanted to give checks, &c., and I always said "No, I cannot receive any checks."

Q. Have you during the last year, in receiving public moneys, ever received any other sort of money than United States notes?

A. I have received national bank notes—nothing but United States money.

Q. You are in the habit of doing that, are you not? You do not, as a rule, discriminate between the two?

A. We hardly ever get anything of that sort. We do not receive money. My business is disbursing altogether. All the money I get is on requisitions on the treasury. I do not suppose it is once in six months that I ever receive money apart from that; for instance, occasionally I am directed to sell damaged stores, or something of that kind; perhaps once or twice a year, and I think, in such cases as that, I may have received money. People would come to me and would want to give a check, but I insisted on money.

Q. How much money did I understand you to say Mr. Faxon stated to you was to be deposited on these vessels?

A. He said \$20,000; at least that is my recollection about it. My impression was that it was \$20,000 on each vessel.

Q. Was it \$20,000, or 20 per cent. of whatever the bid may be?

A. \$20,000 I think it was. I know it was \$20,000; I am sure of it.

Q. Did you communicate to Mr. Walker how much money was required to be deposited?

A. I do not know that I did. He came in, and seemed to know all about it, and the inference on my mind was that the department had notified all these people that they must deposit.

Q. Did he tell you that he was desirous of making a deposit on these vessels, or some person for whom he was acting?

A. I do not think he said that. He asked me at what time I would receive a deposit. I told him until twelve o'clock.

Q. Did he communicate to you that he or any other person was desirous of making a deposit?

A. The inference was that he was acting for himself or somebody else, I do not know who; but I do not think he said anything of that sort. I remained in my office every moment of the time with my three clerks, but nobody came to deposit anything.

Q. Did you understand from him that in point of fact he was desirous of making a deposit in some sort of funds with you?

A. That was the inference; not that he said it. I do not think he did.

Q. That is what you understood from his visit and from what took place between you?

A. I rather judged he was acting for somebody.

Q. What reply did he make when you told him that you were instructed to receive nothing but lawful money?

A. He said, "I told him that the paymaster would not receive anything but lawful money," or something of that kind, "but I thought I would come up and ask you." That I think is what he said.

Q. Did you communicate to Mr. Faxon or to Mr. Welles the fact that this gentleman had been there, and what had taken place?

A. I do not know that I did. I never said a word to Mr. Welles about it. We do not often see Mr. Welles, the Secretary. All the details of the business are in the hands of Mr. Faxon.

Q. And you did not communicate to Mr. Faxon either?

A. I do not think I did; and yet I may have done so. It is quite likely.

Q. But you have no recollection of it?

A. No sir; the great point was that he told me he wanted to know if anything was deposited, and I think within ten minutes after 12 o'clock I wrote a note to Mr. Faxon.

Q. Did he tell you how soon he wanted to know?

A. He said it must be deposited by 12 o'clock, and he would like to know as soon as convenient, or something of that sort.

Q. Did he give any reason why he was desirous of knowing so soon?

A. No, sir.

STATEMENT OF HON. F. A. PIKE.

The resolution which passed the House was furnished to me by the Navy Department, with a request that I would procure its passage. I asked a full statement of all the iron-clads, specifying size, location, &c., and it was sent to me. The resolution was considered by the Committee on Naval Affairs at a regular meeting, and the statement of the department relative to the iron-clads was at that time fully examined by the committee. Some amendments of the resolution were made by the committee, and I think among them was one requiring the Secretary to report to Congress whenever a sale was made. The resolution, in accordance with the vote of the committee, was reported to the House on a regular call of the committee and fully discussed in the House at some length, and some further amendments made. I stated at that time all the parts within my knowledge, relative to the matter. No one had spoken to me about the sale of these vessels except the Secretary or Assistant Secretary of the Navy, and I knew nothing and had heard nothing of any offers or pending negotiations relative to the sale of any of the iron-clads except what I stated to the House. And since then I knew nothing of the matter; I was not advised of any negotiations for the purchase of any of these vessels until the communication from the Secretary was read at the Clerk's desk. This is, perhaps, not to be wondered at, as it so happens that I seldom go to the Navy Department and have seen the Secretary but four or five times since Congress came together in November last.

STATEMENT OF CAPTAIN COMSTOCK.

Joseph J. Comstock states: On the afternoon of the day before I was in Washington, in the latter part of March last, I was called upon by Mr. Tilton, of the California house of Tilton & Co., who asked me to go to Washington and ascertain how the money was to be paid upon the bids for the iron-clads. I went on at that short notice, and went up to call upon the Secretary of the Navy, and met him near the door of the Navy Department building, and made the inquiry whether the 20 per cent. was to be paid in lawful money, or whether currency and certified checks would be taken. The Secretary answered that he thought anything would be taken that represented money, or words to that effect. I do not remember the name of the firm who made the bid I was sent on to look after, but it was the bid for \$850,000. I took on with me to Washington no funds or means to raise funds, but telegraphed to my principals that the 20 per cent. must be raised and paid that morning. It was not furnished, and I do not know that the parties who employed me had the means to raise it. I telegraphed them that if they had sent the money they would probably have had the vessels, as I was satisfied that the higher bids were all bogus; but they did not furnish the funds, and consequently did not get the vessels.

VENTILATION OF THE HALL OF THE HOUSE OF REPRESENTATIVES.

JUNE 20, 1868.—Ordered to be printed and recommitted to the Committee on Public Buildings and Grounds; and the maps accompanying the same to be referred to the Committee on Printing.

Mr. COVODE, from the Committee on Public Buildings and Grounds, made the following

REPORT.

The Committee on Public Buildings and Grounds, to whom was referred the resolution—

Whereas the confined and poisonous air of the hall and corridors of the representative wing of the Capitol has caused much sickness and even several deaths among the members of this house, and under present arrangements must continue to remain in a poisonous condition:

Resolved, That the Committee on Public Buildings and Grounds be directed to examine at once and report to this house by what means a sufficient supply of pure air may be obtained for said hall, and that said committee be empowered to use the present means of ventilation to the best advantage for the present; and that they report by bill or otherwise—
make the following report:

That they have given much attention to the subject. That after examining the several reports that have heretofore been made regarding the ventilation of the hall, find the views of the most eminent men widely differing. First, as to any necessity for further ventilation; and second, should there be any need of improvement in this respect, how it could best be secured. It seemed to your committee that much of this wide difference of opinion was due to the entire want of positive facts, such as: First. How much fresh air does really enter the hall? Second. How much of the air flowing into the hall comes from the corridors, galleries, smoking-rooms, &c.? Third. Is there a fair and even distribution of the fresh air (if there is any) over the entire floor of the House, or does it all flow through one portion and leave the other portion stagnant and foul?

With the hope of eliciting some more definite information in regard to these points, your committee determined to call in the assistance of some professional men who had devoted much time to this subject. They first called upon General Herman Haupt, an engineer distinguished not less for his scientific attainments than for sound judgment and long experience.

General Haupt graduated at West Point in 1835; he has been favorably known to the chairman of the committee for more than 20 years, as chief engineer and general superintendent of the Pennsylvania railroad. For several years he was professor of mathematics, civil engineering, and architecture in Pennsylvania College.

The systems of ventilation as applicable to mines and tunnels also received at his hands a thorough experimental investigation, and results of the highest practical importance were elicited.

For these reasons the committee have considered the opinions of General Haupt as eminently worthy of confidence, even in opposition to the distinguished names that have been appended to previous reports.

The report of General Haupt is appended to this report.

The committee also called on Mr. Lewis W. Leeds, a gentleman who has devoted his attention exclusively to the subject of ventilation for many years past; was consulting engineer of ventilation for the Quartermaster General and Surgeon General during the war, in which service he gave the plans and directions for the ventilation of most of the government hospitals, the practical results of which have been spoken of in the highest terms by all the medical men and other officers acquainted with the operations thereof.

The system of ventilation adopted for these hospitals also received the highest commendation from the committee on sanitary arrangements at the late Paris Exposition.

Mr. Leeds is at present consulting engineer of the Treasury Department, and has arranged the ventilation for the various new buildings under the charge of that department. His report, with a number of diagrams giving a record of a large number of experiments, and giving also a summary of the results as indicated by those experiments, is also appended to this report.

Mr. Leeds's report gives the record of 26 experiments, tried on the 5th instant, for the purpose of determining the direction of the perpendicular currents in the loft over the hall of representatives. These show that the air from the loft is falling down into the hall all around the northeast and south sides of the room; it rises in the west.

Twelve different experiments show the temperature on the afternoon of the 5th to range from 44° to 48° around the exterior and only 56° on the glass ceiling, immediately over the centre of the room. At 9 o'clock on the morning of the 7th the thermometer was 38° in the loft.

Fifteen experiments tried on the morning of the 6th show these cold currents from the loft to sweep down on the outside of the galleries, carrying with them all the air contaminated by the crowds in these galleries, and pouring it over into the floor of the House; this occurs on the northeast and south sides of the House, rising on the west.

There was a strong current found to be setting *in* to the House from every external door both on the floor and in the galleries. Thus it will be seen that instead of the hall of representatives being overflowed with fresh external air, and as we have been so often told, with 40,000 or 60,000 cubic feet per minute, the truth is the floor of the House where the members sit receives the washings from the foul corridors, galleries, loft, &c., and is really the foulest place in the whole building.

There is a very small amount of air indeed coming in through the registers on the floor of the House, but this, by some, may be considered an advantage rather than otherwise, as many of them are so choked up with tobacco spittal and sweepings of the floor as to render the air rising from them very disagreeable.

Your committee have tried a number of these experiments with Mr. Leeds and find them substantially correct.

It is very evident from these experiments that the original intention of the designers must have been so mutilated by subsequent alteration as to entirely defeat the object desired to be gained, and that there is now a necessity for some decided change.

General Haupt enters into an elaborate argument to show that the carbonic acid and other impurities from the lungs and skin fall to the floor, and consequently provision should be made for the removal of the foul air from that point. He proposes leaving the entrance for the heated air at the floors as at present arranged.

Mr. Leeds quite agrees with General Haupt that the carbonic acid from the lungs falls to the floor in a still room with a temperature of 70° , and that an excess would be found there, especially where all the air enters warmer than the required temperature of the room. He thinks there should be openings for the escape of the foul air from numerous points over the floor.

Mr. Leeds says, however, that the whole system of heating *exclusively* by circulating warmed air is wrong, and that no building can ever be made comfortable and satisfactory in that way; that where all the air is heated hotter than is required for breathing, it produces languor and debility similar to what is felt of a hot, close summer day. He says that it is absolutely necessary that there should be a considerable amount of direct radiation, and proposes that there should be several good old-fashioned wood fires, and perhaps some steam radiators placed in some portions of the room; or, what would answer equally well, to have the sides of the walls heated to about the temperature of our bodies, or a little warmer, so as to be radiating heat to us instead of robbing us of it.

Mr. Clark, the present architect, quite agrees in this opinion, but thinks it would be better to have the fires in the cloak-rooms. He also says he thinks the present floor should be taken up, and either the whole space under the floor be used as a general hot-air chamber, or that there should be a different adjustment of the flues, as since the completion of the building one-half of the registers has been removed by parties not connected with or familiar with the original construction of the building; and he thinks the original construction of the flues has been materially interfered with, as it is now difficult to heat the side farthest from the entrance of the warmer air to the same height by several degrees as that nearest the entrance thereof.

It must be very evident to every one, from the results given of the experiments tried, that when the gas is lighted much of the foul air and products of combustion must descend into the hall. This ought to be prevented.

Your committee believe, as expressed by Mr. Leeds, that it is essential that the direct rays of the sun should shine into every occupied room to preserve it in a pure and wholesome condition. And they believe it quite possible that some plan might be devised by which this desirable object could be accomplished at small expense and without materially changing the present construction of the building.

Your committee would recommend that a competent person should be employed to make such further examinations and experiments as may be necessary to determine the conditions of the ventilation under the various changes of wind and temperature, and that he make a report, with such plans as may be necessary for illustrating these suggestions as to the best means of improving the ventilation and the heating and lighting.

To the Hon. JOHN COVODE,

Chairman of Committee on Ventilation:

An examination of the ventilation and heating of the Hall of Representatives at the Capitol has fully convinced me that very serious defects do actually exist in the present systems.

But I find, after a careful examination of the elaborate reports of Professor Henry, Dr. Wetherill, Thos. U. Walters, and others, that I am obliged to differ with these gentlemen as to the best means of ventilating this building.

In thus differing in opinion with such distinguished gentlemen, I shall feel it my duty to express fully the grounds upon which I base that opinion.

FUNDAMENTAL PRINCIPLES OF VENTILATION.

The plans proposed for the ventilation of the hall are based on two simple propositions:

1. Heated air is relatively lighter than colder air, and will continue to ascend and the cold air to descend so long as they are free to move.

2. More or less than a given quantity of air, practically considered, cannot

occupy an apartment, and air cannot be introduced unless an equal quantity be withdrawn, or withdrawn unless an equal quantity be introduced.

These two simple and self-evident propositions will explain nearly all the phenomena observable in ventilation.

PHENOMENA OF VENTILATION.

If heated air is introduced into an apartment containing air at a lower temperature through registers at the floors, it rises rapidly to the ceiling; and if there are openings at the ceiling it escapes without, except in a very slight degree, mixing with the air in the apartment. The air that passes off in this manner is absolutely lost and the heat imparted to it wasted. It does not remove the vitiated air contained in the lower part of the apartment; it does not form with it a homogeneous mixture, and does not communicate to it more than a small portion of its heat. But if, instead of the escape openings at the ceiling, they are placed at the floor, the phenomena observed will be widely different. The heated air will, as before, rise to the ceiling, but instead of escaping will press the colder air downwards towards the exit ducts and fill the apartment with pure warm air; the air vitiated by breathing will at once sink below the level of the mouth and in a few seconds will be carried off, no accumulation of foul air being possible. In these few words the whole theory of ventilation is in a general way presented; it only remains to make an application to the case under consideration.

QUANTITY OF AIR REQUIRED.

In the able report of Dr. Wetherill (Ex. Doc. No. 100, 39th Congress,) various opinions are given as to the amount of fresh air necessary to render the products of transpiration and respiration innocuous. These estimates, made by distinguished observers, vary from 2 to 50 cubic feet per man per minute.

These estimates are generally made upon the hypothesis that the fresh air introduced into an apartment mixes uniformly and homogeneously with the vitiated air and dilutes it to an extent sufficient to render it innocuous; but if, instead of mixing with the air of the apartment, *the warm pure air* should RISE to the ceiling and escape, all conclusions based on the hypothesis of homogeneous mixture would, be fallacious and this fallacy; it appears to your committee, pervades the whole of the very able scientific reports that have been heretofore submitted.

The House of Representatives has a capacity of 465,372 cubic feet and is supplied with 60,000 cubic feet of fresh air per minute, which Dr. Wetherill assumes will change the whole air every seven minutes and furnish to each of a thousand persons 60 cubic feet per minute.

If the whole air were changed every seven minutes or even once in an hour, the ventilation would be ample, whereas it is notoriously defective. It is obvious, therefore, that nearly all of the 60,000 cubic feet per minute must on the present system escape without performing its intended office in purifying the air.

If air that has once been respired could be immediately removed without being a second time taken into the lungs, it is obvious that so far as respiration is concerned no more air need be introduced into an apartment in a given time than can be breathed. This amount is easily calculated.

At a temperature of from 65° to 70° Fahrenheit the following average results are given by Dr. Wetherill for the respiration of an adult:

Number of respirations per minute	20
Cubic inches of air inhaled at each respiration	20
Cubic inches per minute	400

The carbonic acid exhaled is stated to be 15 cubic inches per minute and the surrounding air vitiated is 2½ cubic feet per minute.

Four hundred cubic inches is less than one-fourth of a cubic foot, and this is all that can be taken into the lungs per minute. It would seem reasonable to suppose that if this small quantity could be removed at once, so that no portion of it could be breathed a second time, no greater amount of air for respiration could be required. Certainly it would seem that the removal of the $2\frac{1}{2}$ cubic feet vitiated by respiration would be an ample allowance. What judgment, then, should be pronounced upon the present system, which with 60 cubic feet per man per minute fails to remove the vitiated air?

The quantity of air introduced is twenty times as great as the quantity that could be vitiated by respiration, provided there was a homogeneous mixture. The facts which are daily observed prove that such homogeneous mixture does not exist under the present system.

If nineteen-twentieths of the heated air which enters the apartment escapes without being utilized, it follows that nearly all the fuel consumed in heating it has been wasted.

POSITION OCCUPIED BY VITIATED AIR.

In the process of respiration 15 cubic inches of carbonic acid per man per minute are ejected from the lungs. This gas in course of time would diffuse itself throughout the apartment, but it is well known that its density is so great that it can be poured from one vessel into another, or if poured into an inclined trough it will flow downwards, extinguishing successively a row of lights. The specific gravity of this gas is 1.52, or 52 per cent. heavier than air. Its tendency would therefore be when exhaled to sink below the level of the mouth, and occupy the lower portions of an apartment near the floor; but it has been supposed that the elevated temperature at which it is projected from the lungs causes this gas to rise and escape at the roof. The fallacy of such an opinion can be readily proved.

Even if the temperature at which carbonic acid escapes from the lungs should be so elevated as to render it momentarily specifically lighter than the surrounding air, it would soon part with the excess of heat and then seek the level due to its superior density; but in fact, under the condition of things which actually exists, there is only about 20 degrees difference in temperature between the air when first expelled from the lungs and that of the apartment, as air increases in volume $\frac{1}{460}$ of its bulk for each degree of Fahrenheit. The effect of increasing the temperature 20 degrees would be to reduce the specific gravity less than 10 per cent., and the carbonic acid upon leaving the lungs would still be 40 per cent. heavier than the air of the apartment. It would seem impossible for this dense gas to rise to the ceiling and escape at that level without a violation of the laws of pneumatics, and yet the projectors of the present system of ventilation made no provision whatever for its escape at the level of the floor, at which level alone it is possible effectually to remove it. Mr. Clark, the present architect, seems to have appreciated the necessity of doing something to remove the carbonic acid at the level of the floor, and he provided an 8-inch tin pipe connecting with one of the registers, but an exit duct fifty times the area of the present openings in the register would not be sufficient, and the inlet and exit ducts should allow of the passage of nearly equal volumes.

DEFECTS OF PRESENT SYSTEM.

The defects of the present system of ventilation are apparent from the preceding considerations. Although 60,000 cubic feet of heated air per minute are forced into the hall through registers in the floor, nearly the whole volume rises rapidly to the ceiling and escapes through openings provided for it without carrying with it the carbonic acid and other impurities, and this evil is greatly aggravated by the fact that not only the air vitiated by the members, but also that from the galleries, often crowded to excess, seeks the lowest level in the hall, to the great injury and discomfort of all whose seats are near the floor.

REMEDY FOR EVILS.

The remedy is simple; it consists in an application of the principles contained in the two propositions which were enunciated at the commencement of this report. Close the openings at the ceiling and make others of area equal to the inlet registers at the floor and around the galleries. The exit ducts should communicate with flues in which a current may be maintained by means now in use, but it would, in my opinion, be greatly intensified by throwing the exhaust steam from the engine or boilers in intermittent jets into this flue, instead of allowing it, as at present, to escape without being utilized.

PHENOMENA OF VENTILATION UNDER THE PROPOSED SYSTEM.

The heated air entering the hall through the registers would rise at once to the ceiling; unable to escape, it would accumulate and press downwards the air previously in the apartment, until in seven minutes the whole of the air would be changed, the dense and foul air being carried off at the level towards which it naturally flows, and at which alone it can be removed. This operation is greatly facilitated by the large exit ducts connected with the flues. It will be perceived that, under this system, the tendency of the pure air is first upwards, in currents, and then slowly downwards. The exhaled gases sink at once below the level of the mouth, reach the floor, and are carried off. From a height of four feet above the floor they would descend and be removed in less than a minute, and it is probable that less than one-fourth of the fuel now consumed would maintain a proper temperature, as a much larger portion would be utilized.

The vitiated air from the galleries should be drawn off by flues inside the balustrade, and at the lowest level. No fears need be entertained that any considerable portion of foul air would be projected over the balustrade and into the body of the hall. All that did enter the hall in this way would be drawn off through exit openings on a level with the floor below the galleries, and there should also be a very large exit opening in the centre at the lowest level of the floor in front of the Speaker's desk. As the gallery is supported by an 18-inch brick wall, there is no difficulty in making these alterations, and the best manner of doing it can be readily determined by the intelligent architect of the Capitol. The committee have not entered upon the details; the principles involved seemed to them to be much more worthy of their careful consideration.

MOISTURE.

I would suggest, as the most simple and practical mode of moistening the air in winter, that a jet of steam from the exhaust-pipe of the engine be thrown among the heating coils, the amount of which could be regulated at pleasure, and would help to economize fuel. I also concur with Mr. Clark, the architect of the Capitol, in the opinion that, for summer ventilation, the air should be cooled and moistened by being drawn through the spray of fountains and carried over the surface of water basins at the bottom of the inlet ducts.

I also unite with Mr. Clark in recommending, in strong terms, the importance of having all the arrangements for heating and ventilation under the charge of the engineer or some other responsible and intelligent person, who, by means of suitable thermometers and hygrometers, should ascertain the temperature and the hygrometric condition of the air, and maintain both at such uniform standard as may be prescribed.

EFFECTS OF COMBUSTION OF GAS.

It is asserted in Dr. Wetherill's report that each flame consumes as much oxygen and gives out as much carbonic acid as five human beings. This is an

additional and strong argument in favor of the proposed change in the mode of ventilation. As the gas jets above the ceiling are separated from the hall by intervening glass, the carbonic acid can be effectually prevented from entering the hall by closing the openings at the ceiling.

OBJECTIONS CONSIDERED.

It has been asserted that downward ventilation has been tried, and has not proved successful. No reliance can be placed upon a statement of this kind unless the circumstances and conditions under which the trial was made could be ascertained. Success or failure often depends on the manner of doing an act. So far as the report of Dr. Wetherill gives facts, the evidence is in favor of downward ventilation. In the observations of General Morin, page 65, it is stated that a ventilation of $14\frac{1}{2}$ cubic feet per man per minute, *principally downward*, left no perceptible odor in a lecture-room, while the *upward ventilation* of the halls of Congress, with 60 cubic feet per minute, is notoriously defective.

On page 69 is found a paragraph on "the direction the products of respiration take after leaving the body," in which it is attempted to prove that the direction is upward. The evidence in support of this position is that when the author of the report smoked a pipe at the Smithsonian Institute the smoke ascended. But the objection to this experiment is that tobacco smoke is not one of the ordinary products of respiration, certainly not in the halls of Congress. The experiment does not prove that the gray smoke which was seen to rise was carbonic acid; the experimenter does not state in what direction were the ventilating currents in the apartment, or how produced; and there was nothing in the experiment to prove that, with a gentle downward ventilation, the smoke would not have moved downwards, instead of upwards. In fact, it proved nothing at all in reference to the direction of the products of respiration.

In contradistinction to such crude experiments is the fact that a system of downward ventilation has quite recently been introduced into the Pennsylvania Hospital, at Philadelphia, with perfect success. It was also very extensively introduced into the government hospitals during our late war, and proved highly satisfactory. The open fireplace, too, is a very familiar illustration of the value and success of lower ventilation.

In conclusion, I would strongly urge the adoption of this system of ventilation, and recommend that the architect be directed to prepare plans at once, suggesting the most convenient method of executing the work, to be submitted to Congress.

Truly yours,

HERMAN HAUPT.

To the Hon. JOHN COVODE,

Chairman of Committee on Ventilation of the House of Representatives:

I have read with care and much interest the report of General Herman Haupt on the ventilation of the House of Representatives.

I quite agree with him in his conclusions both as to theory and the necessity for putting in practice a system of exhaust for ventilation from the floor of the House.

Very extensive practice and close observation for many years past have fully convinced me that the human breath, which is the great source of contamination, in an occupied room tends first toward the floor in a still room of 70° , and that there is a probability in a closely occupied room that there will be quite an excess in the accumulation there.

This applies especially to rooms warmed exclusively by hot air.

The contrary opinion, that is, the assumption that the breath and impurities exhaled from the body rise to the ceiling and accumulate there, was advocated strongly in the ventilation of the English houses of Parliament. And as some two or three millions of dollars were spent, I believe, in endeavoring to heat and ventilate that building comfortably, and as the proceedings in regard thereto were spread over the world to an extent probably 100 times greater than any previous publication or action in regard to the ventilation of any public building, that theory of ventilation became strongly impressed upon the public mind as being the correct one.

I consider that idea erroneous; hence all theories of ventilation based upon it are consequently wrong.

But we must notice this applies to rooms warmed exclusively by heated air. We must not fall into the error the little boy did who receiving a good thick overcoat on a right cold day found it exceedingly comfortable, and, being so thoroughly convinced in his own mind of its great value, insisted on wearing it warm days too.

In the majority of our rooms the excess of the air entering (which we must of course assume to be the pure air) does not enter warmer than the contained air one-half of the time, and probably not more than one-quarter of the time.

It ought *never* so to enter. This whole theory of warming rooms exclusively by hot air is entirely wrong, and the discomfort experienced in the present halls of Congress is probably as much owing to the want of some direct radiation in the rooms as to any excess of carbonic acid present.

I have given much attention to this subject within the last year, and my observations fully confirm the opinion that no building in which all the air for breathing is heated hotter than the required temperature of the room (no matter how the air is warmed, whether by steam, hot water, or otherwise) can ever be made entirely satisfactory.

When the air breathed is nearly of the same temperature of the body it loses its invigorating influence; it produces languor and debility.

We all know the exhilarating effect of a cool bracing air of a clear, bright sunshiny day. The direct radiation from the sun is very powerful. A thermometer protected from the influence of the wind and laid in the sun of a clear bright day in winter, with the air below the freezing point, will rise to near 200°. This is the condition most favorable to active exercise, bodily or mentally, and must be approached in our artificial arrangements before real comfort can be secured.

Any member can easily satisfy himself upon this point by a few days' observation of the effect produced upon his own person while in the halls of Congress, which are warmed exclusively by heated air; and comparing that with the effect produced in a room with an open fire, (if he should be so unfortunate as to be in a room heated by hot air at home as well as at the Capitol I pity him,) he will soon find that five hours' labor, especially mental, will be more exhausting in the former than seven hours in the latter room, all other conditions being equal.

He will also soon notice that in the room with the open fire his head will be clear and his thoughts flow freely, while in the room heated by hot air his head will be full and oppressed, his thoughts will become confused and clouded, and to perform a certain large amount of work becomes very fatiguing both to body and mind.

I consider it absolutely essential, therefore, that some modification should be made in the manner of heating the halls of Congress.

Care should be taken, however, not to rush to the other extreme and get too much direct radiation.

A room heated exclusively in that manner, with all the fresh air entering of

the temperature of the external atmosphere, causes cold unpleasant draughts which can and ought to be avoided.

The decided preference given of late years to heating exclusively by direct radiation, over heating by circulating warmed air, shows that the former with all its objections is preferable to the latter.

The combination of the two, however, produces the most satisfactory results.

The best possible manner of applying these principles would require considerable thought and a careful examination of the building.

The open fire is one of the best sources of radiant heat; it more nearly imitates that from the sun than any other in common use.

Some persons might object to having open fires in the hall of representatives, but I don't know why it should be so objectionable. Direct radiation from steam pipes would be much less trouble, and would be preferred no doubt on many accounts for producing the greater part of the radiant heat.

Another very serious objection to heating exclusively by warmed air is that precisely the same temperature is scarcely agreeable to two persons in a hundred, and even the same person wants a constantly varying temperature according to the ever-changing conditions of his system.

It is of course exceedingly difficult, and perhaps entirely impossible, to fully meet all these varying wants, but it would not be difficult to come much nearer to it than at present.

It might be possible for steam pipes to be arranged under the floor and covered by soapstone foot-stools, so that each member could regulate the heat at his own desk at pleasure; but this might not be of sufficient importance to make it advisable to have it put in practice.

Now when the manner of heating is changed it may affect the arrangements for ventilation. One thing, however, the importance in regard to the location of the inlets and outlets of the circulating air diminishes as the proportion of the heat derived from direct radiation increases.

I believe it would be at all times and under all circumstances very desirable to have a large amount of the air drawn from the floor, as nearly as possible from under or near each member's seat, and also from under the seats of all the benches in the galleries. But to know how and when and how much to draw from the ceiling would be a much more difficult question to decide.

The openings at or near the ceiling require to be closed and opened according to the varying conditions of the room, and it can only be ascertained how they can be best regulated by experience.

That there should be such openings we all know from our every-day experience of the necessity for opening doors or lowering *external* windows, (where we are so favored as to have that luxury,) to relieve the upper part of the room when it gets too warm.

I think the present arrangements for introducing the air very objectionable. If there were a considerable amount of heat furnished by direct radiation, so that the inflowing air could be several degrees below the required temperature of the room, it would have a delightful refreshing effect to have it fall in gentle currents from the ceiling, and this would cause the least possible disturbance of the atmosphere, which is very essential in producing the best acoustic effect.

We all know if our feet and backs are kept perfectly warm and comfortable we are all right. We can then bear a large amount of cool refreshing air in our faces and on our heads.

To successfully heat and ventilate a large complicated building it is of primary importance that you should have a thoroughly comprehensive plan that shall include, not only the whole building, but all its surroundings.

Heat applied within any building causes movements of the air with more or less force, according to the difference of temperature of the external and internal atmosphere. The external wind is a source of considerable power. These two

forces, if properly applied, are sufficient to ventilate an ordinary building nearly every day in the year; there may be a few days, however, when the external air is almost stagnant and it is too warm to have heat in the house; it then becomes necessary to resort to some artificial power for the movement of the air. This can be done by the application of mechanical means, as at the halls of Congress at present, or by the more simple and direct application of heat to exhaust flues.

But the important matter is in the application of this power to make it conform to and co-operate with the natural forces and merely assist their action, or otherwise make it of sufficient power to entirely overcome all these natural forces.

If much care is not exercised in the adjustment of these forces, one will just counterbalance the other, and stagnation is the result. This, I think, is frequently the case in the Capitol building.

I have never made any examination to ascertain the fact, but it seems to me probable that the air entering the hall becomes foul in passing through it and rises into the space under the roof and there becomes cool, and much of it becoming mixed with the air from the burning gas tumbles back into the room much fouler, if possible, than it went out. This reminds one of pumping little jets of pure water in all over the bottom of a muddy reservoir, by which the whole mass is kept in a constant roily, muddy condition.

There seems to be an entire unanimity among all parties as to the necessity for additional moisture. This I think of much importance.

I however doubt the propriety of allowing the steam to be discharged directly into the fresh air channels. There is often an unpleasant smell from escaping steam, and more frequently from the air driven from steam pipes as the steam enters. This could be tried, however, very easily, and it might not be found objectionable.

Although not directly connected with the subject of ventilation, yet I would take the liberty of suggesting that I think there is a deficiency of sunlight in the hall of representatives. The sun's rays are the great source of purification, the great natural disinfectant, as well as the great moving power in the growth and development of all animal and vegetable life. We find cretinism and imbecility to predominate greatly on the shady sides of mountains. In the Russian barracks it was found that sickness and mortality were much greater on the shady side than on the sunny side, even of the same large room.

The great value of an abundant sunlight was most fully demonstrated throughout our own very extended system of barracks and hospitals occupied during our late war.

I would by no means intimate that I believe the ingenuity of man can never produce these chemical life-giving influences the same as he has already produced light almost equal, for his own limited purposes, to the great source itself. And it was certainly very creditable in the original projector of the buildings to endeavor to be as independent of all external influences as possible, and to rely as much as he well could on man's own ingenuity and resources.

But as the chemist or philosopher has not yet learned to make so much as a clover-leaf or a caterpillar, would it not be well for the present to go back to the old-fashioned plan and use a little more sunlight for the purification and disinfection of the rooms under consideration, while the chemists and philosophers are perfecting their plans, especially as sunlight can still be procured quite cheap, and is one of the few comforts of life that have not been doubled or trebled in price since the completion of those rooms. I think if a little ingenuity were exercised upon it there would be but little alteration required and not much expense incurred in introducing sufficient to produce a very perceptible influence.

As this building is entirely different from any other building in the world and the knowledge in regard to the subject of ventilation is still so limited, it would

seem to me to be wise on the part of Congress to employ the best talent and practical experience the country affords, to make a thorough examination and such experiments as they might require for the full illustration of the subject, and have them report in full the present condition of the ventilation, heating and lighting, and such suggestions as they might have to make for the improvement thereof.

I believe such information could thus be procured as would enable Congress to act with much more confidence, and would produce results much more satisfactory than to act upon any information it now possesses.

I am, with much respect, thy friend,

LEWIS W. LEEDS,
Consulting Engineer of Ventilation and Heating
for U. S. Treasury Department, &c.

WASHINGTON, 1st mo. 13, 1868.

Additional report.

To the Hon. JOHN COVODE,

Chairman of Committee on Ventilation of House of Representatives:

Since making the foregoing report I have made a large number of experiments to determine the temperature and direction of the currents in various parts of the building.

I commenced at half-past 12 on the 5th and tried 63 experiments in the loft over the House in various parts to determine the directions of the currents there, a memorandum of which I enclose, marked 1, 2, and 3.

I also took the temperature in 12 different places in the loft, a memorandum of which is also enclosed, marked 4.

On the morning of the 6th I commenced an examination of the position of the registers on the floor of the House at ten minutes of 10 a. m., and also took the direction of the currents at top and bottom of all the doors opening into the hall; also the direction of the currents in 27 other places in various parts of the hall; also the temperatures at seven different points around the side of the hall. Memorandums of these experiments are also enclosed, marked 5, 6.

On the morning of the 7th I went to the House at a quarter past 7 a. m., for the purpose of ascertaining the temperatures in the loft over the hall, but as the workmen had the keys, and did not get them until half-past 8, I could not test the temperatures until 9, the sun being then two hours high—clear bright day. The results are enclosed, as well as the temperatures in the galleries and around the sides of the hall, as observed at the same time.

I had no expectation of finding the supposed conditions noticed in the preceding report (which were based upon mere theory) so nearly correct and capable of being so clearly and fully proven by these experiments.

It will be noticed by the experiments on the 5th that the temperature in the loft was 44° and 48° at 3 p. m., on the 7th at 9 a. m. it was 38° on the east end and 45° on the west end.

The experiments of the 5th show that there was a strong descending current all around the exterior of the hall, excepting the west end, from the loft into the hall, and the experiments of the 6th show this current carried over the galleries and tumbled down on to the floor of the House. The other experiments show that there is a strong current rushing in from the corridors, through all the doors, without exception, both on the floor and on the galleries.

Now when we consider the corridors are the principal ventilators for the engine-room, restaurant, water-closets, &c., &c., and then add to this most of the foul air from the galleries, it will be seen that the floor of the House is the

final receptacle of all the washing of the building, and is the foulest pit of the whole.

It will also be observed that the current is from the east side towards the west side, and there rises to the attic, and much of it from there flows across to the foul air shaft; consequently about the centre of the west side is the place where the air leaves the occupied portions of the building, and probably that is, therefore, about the foulest place in the whole building.

An examination of the condition of any of the registers will convince any member as to how much relief he can expect from them. The accompanying diagram, showing how many of the registers were open and how many closed, is merely an approximation, as so many of them were so choked up with tobacco spit, sweepings of the floor, and other trash, and there was such a foul smell coming from them, that it was difficult to determine whether to consider them closed or open.

I should think it would be well to try the experiment of reversing the fan and drawing the air *from* the floor instead of *forcing it in*; but with the present arrangements for heating and supplying fresh (?) air, it would probably merely aggravate the difficulties.

The little positive knowledge thus gained by the few experiments already tried more fully convinces me of the necessity for and value of a series of experiments, extending over a month or six weeks, and taken under all conditions of wind and weather, and when the house is crowded and when but few are there.

An entirely different condition of things will probably be found to exist when the whole lighting apparatus is in full blast.

Very respectfully,

LEWIS W. LEEDS.

WASHINGTON, D. C., 2d month 8, 1868.

JOSÉ SUTTON.

[To accompany bill H. R. No. 1075.]

MAY 16, 1868.—Ordered to be printed.

Mr. ORTH, from the Committee on Private Land Claims, made the following

R E P O R T.

That among the claims embraced in the resolution of the House of February 10, 1868, in reference to claims in the Territory of New Mexico, arising out of the treaty with the republic of Mexico known as the treaty of Guadalupe Hidalgo, is the claim of José Sutton, or Jesse Sutton, and numbered 45 in the report of the surveyor general of said Territory, and on the books and records of the Commissioner of the General Land Office.

Upon a thorough investigation your committee find that said Sutton, on the 12th day of March, 1838, at Santa Fé, in said Territory, presented his petition to Manuel Armijo, then Mexican governor of New Mexico, asking for a grant of lands of the area of 16 Spanish square leagues, "at the place of Ojo del Areil, on the Pecos river," alleging that he intended engaging in the wool business, raising merino sheep, and erecting an establishment for manufacturing woollen goods. There was no time specified when possession of the lands should be delivered to him, but it was stated in the petition that Sutton should perform the foregoing stipulations "within the three first years counted from the day" such possession should be given.

Two days after the filing of said petition, to wit: on the 14th day of March, 1838, Governor Armijo ordered that "the justice of San Miguel del Bado, whenever to that end Mr. Joseph Sutton shall present himself," will proceed to raise landmarks and formally put "said Sutton in full, real, and legal possession, making record thereof," &c.

This presents the whole history of the case as it stood at the date of the treaty aforesaid, to wit, ten years after the presentation of his petition.

Your committee have been unable to find any evidence that said Sutton ever demanded any possession of said lands prior to the transfer of the sovereignty of said Territory, and taking it for granted that he could demand such possession since the acquisition of said Territory by the United States, we are equally unable to find that he has at any time since such acquisition demanded such possession. Nor is there any evidence within the knowledge of your committee tending to show that said Sutton ever engaged or attempted to engage in the raising of merino sheep, or that he ever erected or attempted to erect the woollen factory aforesaid.

The surveyor general, in his report, seems to think that said Sutton had paid a valuable consideration for the lands in question, by advances of money to Governor Armijo, or to the Mexican government. But there is no mention of any such money transaction or other valuable consideration either in the petition of Sutton, or in the order of Armijo, while the testimony of James Conklin simply states that he "had frequently heard that Sutton had loaned sums of money of the Mexican government."

Augustin Duran testifies that he is "aware that Sutton, at the close of the revolution in 1837, loaned to Armijo a sum or sums of money amounting to about \$1,000."

This testimony is very inconclusive. Even if it establishes the fact of a loan to the Mexican government, yet, in the entire absence of any allusion to it in the transactions between Sutton and Armijo in reference to this land, your committee is unable to see that there was any such money consideration moving between the parties at the date of said petition and order. If the petition and order to which we have referred, unaccompanied as they are with any other transaction, oral or written, can be dignified by the name of contract, we submit that it is simply a *nudum pactum*, and not obligatory upon any person.

It appears further from the testimony in the case, that two years after the foregoing transaction, to wit, in the year 1840, said Sutton left Santa Fé and went to the City of Mexico, which latter place doubtless became his place of residence, as Antonio Sena, another witness, testifies that he met him in the City of Mexico in the year 1847.

Here all trace of Sutton appears to be lost, so far as your committee have been able to ascertain, (except that one witness testifies to his intended removal to California,) until in December, 1858, more than 20 years after the filing of the petition aforesaid. One W. Claude Jones, as the attorney for said Sutton, filed his petition under the act of Congress of July 22, 1854, with the surveyor general of the Territory of New Mexico, praying for a confirmation of his supposed title to said lands.

In this latter petition, filed by his attorney, we hear for the first time that this supposed title "was made in consideration of money advanced to the New Mexican government in revolutionary times," but, as your committee have already remarked, that in the absence of the assertion of any such fact in his original petition, or in the absence of its recognition by Armijo in his order, it is natural to conclude that this "money loan" is an after-thought brought forward to add some strength to a pretended title, which has no force or validity or vitality either in law or in fact. The title of Sutton, if any, must be tested by the laws of the republic of Mexico, at the date of the transaction and date of treaty aforesaid, and if invalid by such laws he can claim no confirmation by the United States.

In the Arredonda case, 6 Peters, the Supreme Court held "that Congress have adopted as the basis of all their acts the principle that the law of the province in which the land is situated is the law which gives efficacy to the grant, and by which it is to be tested whether it was *property* at the time the treaties took effect."

Possession, actual and bona fide, was always regarded by the laws of Spain, as well as Mexico, as an absolute and indispensable prerequisite to the acquisition of title to any portion of their public domain, and without which no title ever passed from the government or vested in the applicant. Sutton had a right within any reasonable time to demand such possession, and such demand, if refused by the Mexican government, would have placed him in as good a position, equitably at least, as if possession had been granted. He, however, chose to waive this right, or at least to sleep upon it, until after the sovereignty of New Mexico had passed to the United States by the treaty aforesaid.

In 11 Howard, page 96, the Supreme Court held that—

The grantee might have his land surveyed or he might decline; he might establish himself on the land or decline; these acts rested wholly in his discretion. But if he failed to take possession and establish himself he had no claim to a title; his *concession* or first decree in such case had no operation.

Sutton having never taken possession of the land, never having applied for possession of the land, and never having had the land surveyed or marked out as was stipulated in the grant, no title in fact had ever passed to him prior to

the treaty. Sutton then had no title to the property at the date of the treaty, but a simple inchoate or equitable right to acquire a title in the future, which he could render perfect and absolute by taking steps to secure the possession thereof by the laws of Mexico.

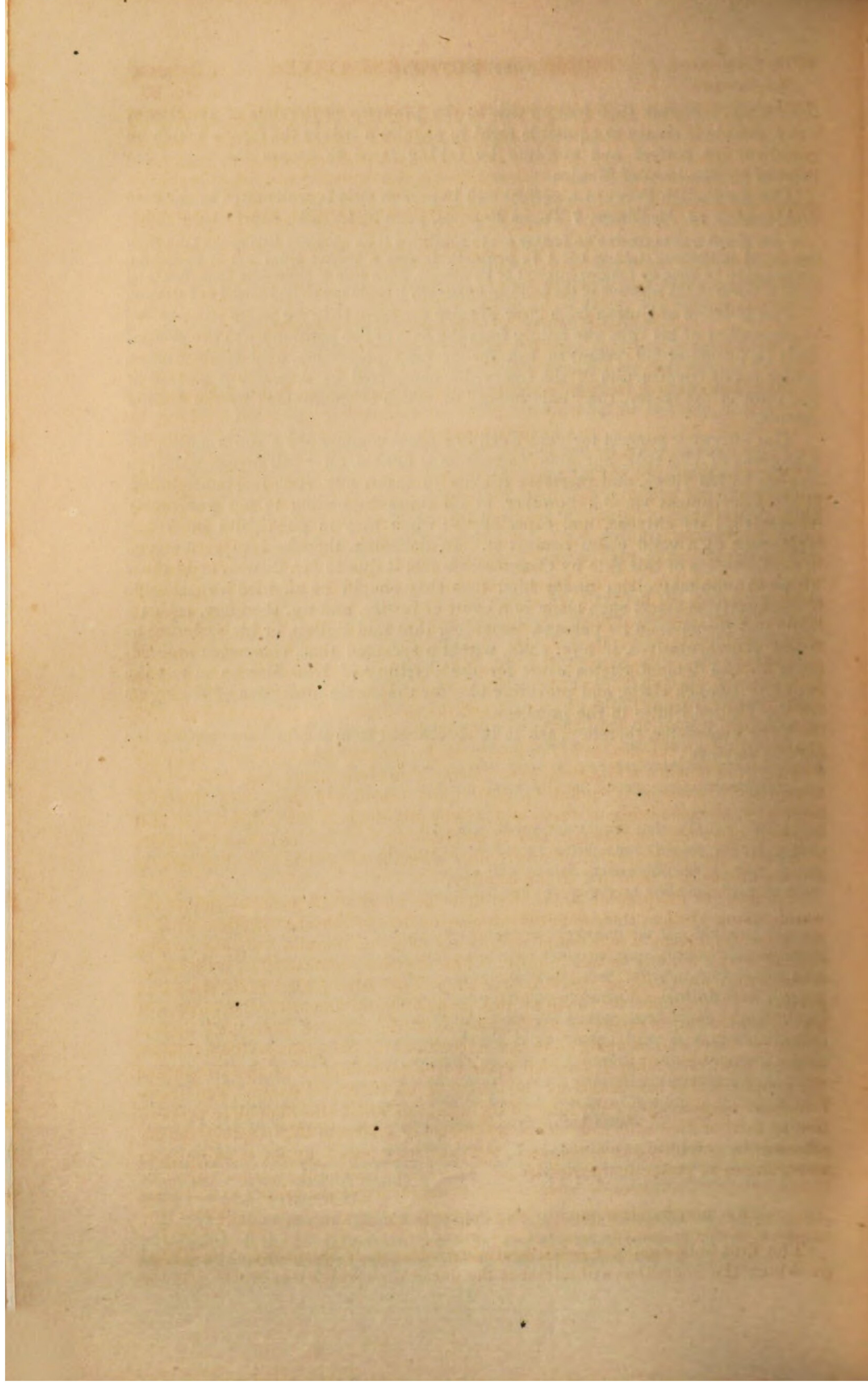
The distinction between a perfect and imperfect title is well stated in the case of *Hancock vs. McKinny*, 7 Texas Reports, page 384. The court says :

If the grant was to receive no further act to constitute it an absolute title to the land from the legal authorities, taking effect *in presenti*, it was a perfect title; but if something remained to be done by the government or its officers, such title or right was imperfect, and until it received the sanction of the political authority, it could not claim judicial cognizance.

The absence of Sutton from New Mexico for more than 20 years prior to the presentation of his title, the failure from the date of the petition up to the present time (a period of 30 years) to ask for or take possession, said lands cannot, under a fair construction of the treaty, be considered as *property* possessed at the date of the treaty, the "enjoyment" of which is guaranteed by the United States.

The surveyor general for said Territory has recommended a confirmation by Congress of this title, but your committee is unable, after full investigation, to concur in his views, and therefore decline to make any such recommendation. This government should, however, at all times be willing to act generously towards all its citizens, and especially so when they in good faith assert the existence of a valid claim against it. In declining, therefore, to recommend a confirmation of this title by Congress, we feel it due to Mr. Sutton, or to those (if any) who may claim under him, that they should be afforded a reasonable opportunity to assert such claim in a court of justice, and we, therefore, report a bill, and recommend its passage, providing that said Sutton, or his assignees or legal representatives, if any, shall, within a specified time, commence proceedings in the United States court for the Territory of New Mexico to test the validity of such claim, and providing also for the ample protection of the rights of the United States in the premises.

Your committee, therefore, ask to be discharged from the further consideration of the subject.



THE PROTECTIVE POLICY AND THE WAREHOUSING SYSTEM.

[To accompany bill H. R. 1308.]

JUNE 22, 1868.—Ordered to be printed and recommitted.

Mr. MORRELL, from the Committee on Manufactures, made the following

REPORT.

The Committee on Manufactures, to whom were referred sundry petitions praying for the repeal or modification of the existing warehousing laws, have investigated the questions presented by these petitions with a grave sense of the responsibility attending an inquiry, the result of which might be to disturb a system of commercial policy which has stood unchallenged for over twenty years—which is guarded by careful treasury regulations, provided with a vast machinery of structures and officials, and with whose usages the mercantile communities at home and abroad have become familiar. This responsibility, however, the committee cannot evade. The very constitution of a committee, expressly raised to protect and promote to the extent allowable by the constitution and the general policy of the nation, the special interests of manufactures, recognizes the obligations of the national legislature to consult the interests of manufactures in their relations to the “general welfare.” The committee are made the legislative guardians of all the productive industry of the country which is not within the domain of commerce and agriculture. Even if modern usage has relieved the committee of some of its primitive duties, and transferred them, with doubtful propriety, to committees of ways and means and finance, the obligation is still imposed upon this committee, and is enforced by all its traditions to inquire seriously into the operation of any policy which is alleged to affect injuriously the manufacturing industry of the country.

Waiving for the present an inquiry into the specific allegations against the warehousing system, the committee propose at first to consider whether there is not some fundamental and recognized theory of governmental economy, which shall serve as the key to this inquiry. This key the committee find in the proposition, that *protection of American industry is the fixed policy of the American people*. To maintain the truth of this proposition by unequivocal evidences of public sentiment, to ascertain the foundation of the right of protection and to define its effect and meaning from the expositions of the great political fathers, to show that this policy is founded upon a true consideration of the interests of the people, and is sanctioned by the usages of all industrial nations, and therefore must be permanent, are some of the points to which the committee propose first to devote their attention. The warehousing system of this country will be afterwards carefully examined, and its expediency tested by its conformity or antagonism to protective principles.

THE PROTECTIVE POLICY SANCTIONED BY PUBLIC SENTIMENT.

The first indication of a public sentiment in favor of the policy of protection to which the committee will advert is the declaration which was coeval with the

birth of the great republican party, and made at Chicago by the convention which dedicated to the nation its most illustrious patriot and martyr, in these words :

Resolved. That while providing revenue for the support of the general government by duties on imports, sound policy requires such an adjustment of these imports as to encourage the development of the industrial interests of the whole country ; and we commend that policy of national exchanges which leaves to the workingmen liberal wages ; to agriculture, remunerating prices ; to mechanics and manufacturers, an adequate reward for their skill, labor, and enterprise ; and to the nation, commercial prosperity and independence.

This resolution, drawn by one of the most honored teachers of protection, whose works have become text-books in the schools and universities of the continent of Europe, was presented with doubt and misgiving. But it was received by the vast assemblage with rapturous applause. No sooner was its tenor understood than its further reading was interrupted by the tumultuous shouts of the approving delegates, and re-echoed by outside crowds of the people. Well, indeed, might the people rejoice, for this resolution declared that : " The produce of the farm should no longer be compelled to remain idle and inert, and losing interest while waiting demand in distant markets ; that the capital which daily took the form of labor power, should no longer be allowed to go to waste ; that the fuel which underlies our soil should no longer there remain to be a mere support for foreign rails ; that the power which there lay petrified in the form of coal should everywhere be brought to aid the human arm ; that our vast deposits of iron should be made to take the form of engines and other machinery, to be uses as substitutes for mere muscular force, and that all our wonderful resources, material and moral, must and should be at once developed."

At the earliest practicable moment, on the 2d of March, 1861, this resolution was ratified by Congress, through the passage of the Morrill tariff, which, aided by its supplements and the protective influence of the war, gave such unexampled vigor to our industry and such a miraculous expansion to our resources. No subsequent action of the majority of the representatives of the country has served to throw doubt upon their fidelity to the principles so distinctly enunciated at the birth of the republican party. If general measures for the revision of the tariff, which had become desirable to fill up the gaps in its defences, have failed, it has been from a want of a harmonious adjustment of conflicting interests, but from no doubts as to the general policy. When the wool and woollen interests united in declaring the measures needed for their joint relief, these measures were passed by overwhelming majorities, and even without discussion. In the recent discussions upon the general tariff bills hardly a senator or member was to be found who did not advocate the protection of some favorite interest, thus, by these exceptions, admitting the correctness of the general principle, or recognizing the imperative sentiment of home constituencies.

As it may be said that congressional action represents the sentiments only of political parties, the committee have sought for evidence of public opinion in the primary meeting of the people convened without party ties. On the 22d of January, 1868, there was assembled at Worcester, in Massachusetts, for the special purpose of action with regard to internal taxation, the largest body of manufacturers of every branch ever collected in this country, and representing, as was estimated, the interests of over a million of laborers and their dependents. This convention, after laying aside one series of resolutions because not sufficiently positive, not satisfied with declaring their sentiments upon taxation, spoke thus positively upon the duty of defending the productive industries :

Resolved. That the country is dependent upon its domestic industry for the supply of the necessities and comforts of life of its people ; that it derives from this source directly the great bulk of all it consumes and the means of purchasing the remainder which is obtained from abroad.

Resolved. That the power of consumption of the people and their profitable occupation are in proportion to the diversification of productive employment, and consequently to the development of manufacturing as well as agricultural and commercial industry.

Resolved, That without a vigorous manufacturing industry, with increasing capital from its savings, the productive power of the country must fall behind, the supply of necessities and comforts for the people diminish, the compensation of labor be reduced, the sources of domestic and foreign commerce fail, and the ability to endure taxation be seriously lessened.

Resolved, That in acknowledgment of these principles, it has been the policy of all modern civilized nations to make such administrative dispositions and such a distribution of taxation as would most favor their useful domestic industries.

These resolutions, to which no one could assent without adopting, in their whole length and breadth, the doctrine of protection, may be said to represent the sentiments of a class directly interested in their prevalence. Let us look, then, to other quarters for indications of public opinion. In the month of February, 1868, a national commercial convention met in the city of Boston to devise plans for restoring the business which had been disturbed by the rebellion. Thirty-six boards of trade and organized mercantile bodies, established in 15 of the States of the Union, were represented by delegates. The following were among the resolutions passed by the representatives emphatically of the business men of the United States after having been deliberately considered in committee :

Whereas domestic products constitute the basis of nine-tenths of the internal trade of the country, and furnish the means of sustaining its foreign commerce, thus rendering an extensive, varied, and active domestic industry essential to its proper commercial prosperity; and whereas, the capital required to initiate and sustain industrial enterprise commands on an average double the rate of interest here that it does in the great industrial nations abroad, which greater rate of interest is inseparable from the conditions of a country constantly absorbing capital in new settlements and improving virgin lands; and whereas our domestic industry cannot sustain itself in competition with the foreign production of commodities of easy transportation unless placed upon an equality in the command of capital and labor, and exemption from internal taxation, or unless the disparity against us in these respects is neutralized by suitable legislative provisions : Therefore,

Resolved, That while the general government provides revenue for its support by duties on imports and tonnage duties, sound policy demands such an adjustment of these duties as to equalize the disparities in the cost of capital and labor between our own and competing nations, that thereby the industrial and commercial interests of the whole country may be promoted, labor and skill receive their just reward, and the arts, civilization, and the civil power of the nation be extended.

The authorized report of this important convention, which is before the committee in a typographical form worthy of the importance of the record, and which, with its most instructive matter, makes it a most desirable addition to our commercial literature, declares that these "resolutions were adopted unanimously, with much applause." Here we have the deliberate declaration of the great commercial community of the country, in language almost identical, in some of its phrases, with the famous resolution of the republican party, in substance, that domestic industry constitutes the basis of nine-tenths of the internal trade of the country and the means of sustaining its foreign commerce; that this industry, so indispensable to national prosperity, cannot compete against the cheap capital and labor of foreign nations unless this disparity is neutralized by suitable legislative enactments, or, in other words, by protection; and that it is the duty of the government to impose duties so as to equalize the disparities in the cost of labor and capital of competing nations; that thereby the commercial and industrial interests of the whole country may be promoted. What more emphatic declaration, or one from a source entitled to more profound respect, could be found in favor of the principle which the committee have declared to be the fixed policy of the American people?

PROTECTION THE POLICY OF THE EARLY STATESMEN.

This sentiment for protection, which we thus see to have been revived of late years with such surprising unanimity and intensity, cannot be regarded as a mere temporary passion. It is a recurrence to the doctrines of the founders of the republic and to the policy with which the administration of Washington

laid the foundations of the social existence of this great community, our national and federal Union.

Dr. Franklin writes in 1771 :

It seems the interest of all our farmers and owners of lands, to encourage our young manufactures, in preference to foreign ones imported among us from distant countries.

Alexander Hamilton says in 1791 :

To maintain between the recent establishments of one country, and the long matured establishments of another country, a competition on equal terms, both as to quality and price, is in most cases impracticable. The disparity, in the one, or in the other, or in both, must necessarily be so considerable as to forbid a successful rivalry, without extraordinary aid and protection from the government.

Thomas Jefferson writes in 1815 :

The prohibitory duties we lay upon all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made within ourselves, without regard to difference of prices, secures us against relapse and foreign dependency.

James Madison in 1828 says :

A further evidence in support of the constitutional power to protect and foster manufactures by regulations of trade—an evidence that ought in itself to settle the question—is the uniform and practical sanction given in that power, for nearly 40 years, with a concurrence or acquiescence of every State government throughout the same period, and it may be added, through all the vicissitudes of party which marked that period.

General Jackson says in 1824 :

It is time that we should become a little more Americanized, and instead of feeding the paupers and laborers of England, feed our own.

Daniel Webster says in 1833 :

The protection of American labor against the injurious competition of foreign labor, so far at least as respects general handicraft productions, is known historically to have been one end designed to be obtained by establishing the Constitution; and this object, and the constitutional power to accomplish it, ought never to be surrendered or compromised in any degree.

It would be presumptuous in the committee to attempt to derive from the acts and words of the early statesmen all the motives and principles which led to the incorporation of the protective policy into our national system, while among their own files and records they can find, in the words of a statesman second only to the great fathers with whose spirit he was so deeply imbued, the most exhaustive exposition of the protective doctrines of the founders of the federal government. Mr. Adams, who for so many years honored by his occupation the chair of the Committee on Manufactures, in the various reports which proceeded from his pen, defended and interpreted the protective policy with the same vigor with which he assailed the institution of slavery, among whose advocates the most bitter enemies of protection were also found.

The committee deem it their duty to refer at considerable length to these expositions of the great defender of the rights of all American labor; because upon them they are of the same binding authority as the decisions of Mansfield or Marshall, in the courts where they presided; because they define the precise effect and original meaning of the term "protection," and justify its retention, as the phrase which best expresses the precise object of legislation respecting industrial interests; that of *defending* against the assaults of other nations the labor of our own, so that our industry may be as well protected and free as our soil, and that the country may have a *real* free trade of its own, and not one imposed upon it by the selfishness of other nations; because they establish that such protection is not a mere boon or favor, but a right derived not only from the social compact, but from constitutional guarantees; and what is more pertinent to the special object of this report, because the inference is enforced upon the committee that any policy inconsistent with the national system of protection as defined by this great expounder is incompatible with a truly American policy.

In a report made from the Committee on Manufactures on the 22d of May, 1832, accompanying a bill to alter and amend the several acts imposing duties on imports, Mr. Adams observes: "To pay the debts of the United States was the first of the objects for which, by the Constitution of the United States, the power to levy and collect taxes, duties, imposts, and excises, was conferred upon Congress, to provide for the common defence and general welfare was the second object; and these expressions, broad and comprehensive in their import, far from being without meaning in the intentions of the founders of the Constitution, embraced the great purposes for which the Constitution itself was framed. They are introduced in that solemn preamble by which the whole people of the United States, speaking in the first person, 'We, the people of the United States,' announce the great purposes for which they do ordain and establish this Constitution; they are emphatically *repeated* in the eighth section of the first article, containing the grants to Congress of power; and they are not only grants of power, but trusts to be executed—duties to be discharged for the common defence and general welfare of the Union. To provide for that common defence and general welfare were obligations imposed upon the organized body on whom the power was conferred of levying and collecting taxes, duties, imposts, and excises for effecting the purpose—obligations not less imperious than that of paying the debts of the Union. To *provide* for the common defence and general welfare is the duty, the irremissible duty of the Congress; the power to levy duties, taxes, imposts, and excises, is the means with which they are invested for the execution of the trust. The non-user of the power is a violation of the trust—a violation as culpable as would have been the neglect or refusal to levy taxes for the payment of the public debt. That the intention of the people was to confer the power in great amplitude is apparent, not only from the greatness of the purpose to be accomplished and from the generality of the terms in which the power is conferred; not only from the emphatic *repetition* of the terms in which the objects of the Constitution are announced in the preamble, but from the anxious use of all the words by which the contributions of taxation can be levied—taxes, duties, imposts, and excises.

"To provide for the common defence. Defence against what? against whom? Defence against every danger and against every foe; defence against all hostility, and from every evil which may bear upon the whole community and menace the general welfare; defence especially against all hostility of foreigners, whether in war or in peace; for the hostility of nations to each other is not confined to times of war. The common defence must be provided for as much against commercial rivalry as against warlike invasion; for the spirit of traffic armed with power, as the experience of mankind has proved, is more insatiate and more grasping than all the Alexanders and Cæsars that ambition has inflicted upon the race of man." Mr. Adams then proceeds to show that a power, an organized and efficient power of common defence against this spirit, was proved to be indispensable to the independent existence of this Union, by the avowals of British statesmen, that the fundamental maxim of the commercial policy of Britain had been not only to promote her own prosperity but to depress that of her commercial rivals and competitors. "Of this hostility," he says, "and of this dependence the people of the United States had shared more than the inhabitants of any other portion of the globe. From the time when they had shaken off their colonial dependence they had become, in the eyes of their stepmother, the most hated of her rivals. The imbecility of their confederation left them without resources of *common defence*, commercially at her mercy, and the tenderest of her mercies was cruelty. It was in the interest of self-preservation from this yawning ruin that the Constitution of the United States had originated. * * * To provide for the *common defence* was, accordingly, in conjunction with the payment of the national debt, the first object which commanded the attention of Congress on the organization of the government

under the present Constitution. The very first act of the first Congress, after that organization, was an act for laying duty on goods, wares, and merchandise, imported into the United States; and this act, by an exception to a general rule, adopted from the first and ever since observed, was preceded by a preamble declaring its objects, as follows:

“Whereas, it is necessary for the support of the government, for the discharge of the debt of the United States, and the encouragement and *protection* of manufacturers, that duties be levied on goods, wares, and merchandise imported.”

“And thus the very first act of the organized Congress, united with the law of self-preservation, by the support of the government just instituted, the two objects combined in the first grant of power to Congress, the payment of the public debts, and the provision for the *common defence* by the protection of manufactures. The next act was precisely of the same character—an act of protection to manufactures still more than of taxation for revenue—an act imposing duties on tonnage, by which a duty of six cents a ton was raised upon the vessels of the United States entering their ports and fifty cents per ton upon all foreign nations.* Nor was this the only discrimination between the duties of tonnage levied upon the vessels of the United States and upon foreign vessels. Upon all vessels built thereafterwards in the United States, but belonging in whole or in part to foreigners, the duty levied was thirty cents per ton; and upon all merchandise imported in foreign vessels an addition of ten per cent. on the amount of the duties was levied. These discriminations were all protective duties—protective of the domestic manufacture. The argument which denies the power of Congress to levy duties for the *protection* of domestic manufactures pronounces unconstitutional these two first acts by which Congress exercised their powers—acts among the most memorable, among the most beneficent exercises of power, which have rendered the Constitution itself a blessing to the nation. It expunges from the Constitution the grant of power to provide for the *common defence*.”

Speaking elsewhere of the beneficent effect of the policy thus inaugurated upon the inception of the government, he says: “Under that system of policy the nation has risen from a depth of weakness, imbecility, and distress to an eminence of prosperity unexampled in the annals of the world. * * It was by counter legislation to the regulations of foreign nations that the first operations of the government of the United States were *felt* by their people; *felt* in the activity given to their commerce; *felt* in the encouragement and protection given to their commerce; *felt* in the fulfilment of the public engagements to the creditors of the nation; *felt* in the gradual discharge of the debt of gratitude due to the warriors of the revolution; *felt* in the rapid increase of our population, in the constantly and profitably occupied industry of the people, in the consideration and respect of foreign nations for our character, in the comfort and well-being and happiness of the community; *felt* in every nerve and sinew, in every vein and artery of the body politic.”

In a minority report presented from the Committee on Manufactures, on the 27th of February, 1833, Mr. Adams shows that the system of protection extended to manufactures is not a partial and exceptional favor to a separate interest, but a part of the general system of defences by which the whole country is protected. “The manufacturers of the old and long-settled States,” he observes, “have been protected from the injurious regulations of foreign nations as the planters of the south and the settlers of the west have been protected from the depredations and hostile incursions of Indian savages. Nearly the whole charge

* By treaties subsequently made with the principal European nations we have most unwisely yielded the right to discriminate by tonnage duties in favor of our own shipping. It is believed that the manufacturing and agricultural classes of the country would favor the abrogation of these treaty stipulations, and any measures of protection to the shipping interests, such as imposing higher duties upon merchandise imported in foreign vessels, not inconsistent with the general protective policy.

of the military peace establishment is borne by the nation for the proportion of the south and west. Of the millions upon millions expended since the existence of the government upon Indian wars and negotiations, the manufacturer of Pennsylvania, of New Jersey, and of Massachusetts, has paid, and continues to pay, his full proportions. And what is an Indian war or an Indian negotiation to him? The whole naval establishment of the Union is maintained to *protect* the immediate interest of the commercial part of the community. The manufacturer, the farmer, the planter, have no direct interest in this; they all pay taxes to protect from foreign hostility the property of the merchant and the person of the navigator. The war last waged with Great Britain, and which cost the nation upwards of a hundred millions of dollars, and perhaps fifty thousand lives, for what was it proclaimed, but for wrongs to the merchant and the mariner, in which the manufacturer and farmer, as distinct classes of society, had not one dollar of interest, yet, for the maintenance of which, they bore their equal portion of taxation and devoted their equal portion of lives. The manufacturer of the interior has the same right to the protection of the whole Union against the regulations of foreign countries as the merchant upon the coast or the mariner upon the ocean. The manufacturer of the north has the same right to the protection of the nation against the competition of foreign rivals armed with foreign laws, as the planter of the south or the settler of the west has to the same protection against the robberies and butcheries of Indian savages, instigated by the secret impulses and profuse subsidies of the same foreign rivals. The manufacturer asks no more."

In the same report from which the committee have last quoted, Mr. Adams maintains that the right of the citizen to protection is derived from the obligations pledged to him by the social compact. "The protection of high duties," he says, "is founded upon the principle of shielding the domestic manufacturer from the ruinous competition of foreigners, producers of the same article. This principle is founded not upon the nature or uses of the article, but upon the right of the citizen to protection, pledged to him by the social compact, the correlative obligation of his country to him, for his duty and obligation of allegiance to her. Why is the planter of the south and the new settler of the west entitled to the protection of the nation, at the cost of many annual millions to maintain an army to make that protection effective? Why but because the planter and settler are bound to allegiance to that country whose protection they are thereby entitled to claim? Why are the merchant, the mariner, the fisherman, entitled to protection? and why is a navy maintained at the cost of annual millions to make that protection effective? Because the merchant, the mariner, the fisherman, owe their allegiance to the country which protects them. This protection is due to them in peace as well as in war; else why do you maintain an army in time of peace? The manufacturer is entitled to the same protection from his country as the planter, as the new settler, as the merchant, as the navigator, as the fisherman, and for the same reason—because he owes to that country his allegiance. He bears his portion of the burden of expenditures, sustained by the nation to maintain an army and a navy for the protection of interests which are not his. He has a *right* to claim the same protection to his own. It is the *right of the citizen*, and not the necessities of the community, which constitutes the fundamental principle upon which the obligation to protect the interest of the manufacturer, or of any other member of society, is incumbent upon the nation."

The committee make no apology for introducing these long extracts. Inheritors of the trust imposed upon this great legislator, they could not be faithful to that trust without seeking counsel from his precepts. Such interpretations are for the defences of our industry what the original plans of the engineer are to the military fortification when the walls are overgrown and the circumvallations made obscure by time; they define precisely the extent and limits of the old foundations, and show where the stronghold is to be repaired and the weak

points strengthened. Do we not in these views, which so clearly define the rights of the people of this Union to every possible defeat for their own productive industries, see light already shed upon the special object of these inquiries, which, though kept for the present in abeyance, is not lost sight of? Can we not already see that it was the intention of the founders of this government for the general welfare of this people, not the people of other nations, that any system which gives peculiar advantages to foreigners, although made plausible by assuming the form of a commercial privilege, is inconsistent with the great purpose of self-defence for which our constitution was ordained, and repulsive to the common instincts of patriotism in all times and among all people, such as found expression, three centuries ago, in the exclamation of the great Lord Bacon to the ministers of his sovereign: "Let us advance the commodities of *our own* kingdom, and employ *our own* countrymen before strangers."

PROTECTION THE POLICY OF ALL INDUSTRIAL NATIONS.

The objection here occurs: these were the doctrines of a past age, well suited perhaps for a nation in its infancy; but time rolls on, the world moves, constitutions are elastic, and must conform to the world's progress. In the march of enlightenment among the nations, is there not such an advance as renders it impossible for a great nation to persevere in the doctrines of restriction? The British economists say yes, and assure us that protection is a notion of a past and unenlightened period. The committee propose to inquire whether this assertion is true; for, if true, their position is wrong that protection is a fixed policy of the American people. It cannot be permanent if opposed to the universal sentiment of the enlightened world.

The assertion of England that protective doctrines are opposed to the philosophical and practical judgment of the present period, is not to be believed, because England is deeply interested in making the world accept this fallacy. With her teeming and starving and now restless and discontented population, her very existence depends upon keeping open the foreign outlets for her manufactures, and receiving, at cheap rates, the raw material of other nations. By creating a current of sentiment which will tend to a removal by other nations of restrictions upon the entry of her goods, she secures a triple purpose, the occupation of foreign markets, the means of increasing the prices of her goods by crushing out competing manufactures, and the cheapening of the desired products of agriculture, which is sure to result from the abandonment of domestic manufactures in all the countries into which her goods can enter without restriction. England stands forth not so much as the great exemplar, but as the great *propagandist* of free trade. To engraft this policy upon *other nations*, is the paramount idea of British statesmanship. It governs all her diplomacy, is never lost sight of in her legislation, and is avowed by all her ministers. All English literature is tinged by the political philosophy inspired by this idea. The press reiterates day by day its platitudes concerning the progress of liberal ideas, and its paradoxes concerning the unselfishness of British commerce, not to affect opinion in England, which is always fixed in the direction of interest, but to create opinion outside of England. During the last century an institution was founded in England whose munificent and practical benevolence is attested by many churches still standing in this country, erected by funds which it supplied, under the style of "The Society for Propagating the Gospel in Foreign Parts." The great missionary enterprise to which England of to-day is devoted is the propagation in "foreign parts" of the doctrines of a political religion—the gospel of free trade. Its tracts are the essays of British economists, its colporteurs her commercial traders, its foreign missionaries the representatives of the press of our leading commercial city, and its churches our bonded warehouses. No influence which can contribute to the spread of this religion

is despised; no accessible organ which can affect opinion abroad remains unsubsidized. Only yesterday the historian Thiers, the most renowned of the statesmen of France, proclaimed in a powerful speech in the legislative assembly, the present sentiments of the masses of the French people for protection; and to-day the Atlantic telegraph announces that the minister of state—the pliant instrument of the alliance with England, by which the Emperor is kept upon his throne—has demolished the positions of the historian by a speech which insured the perpetuity of the great free trade measure, the Anglo-French treaty. This is but an illustration of the persistency of the British system of misrepresentation, for the popular sentiment of France, as will be hereafter shown, is stronger now than it ever was for protection, while the treaty is only a free-trade measure in name. The British policy of persistently asserting the progress of free-trade opinions is one of the most insidious and effective of the measures of assault upon foreign industry. By this perpetual misrepresentation and agitation, distrust and uncertainty are produced in relation to the continuance of the protective system, under which new manufacturing enterprises can only be safely undertaken. Capital, which is always timid, is frightened away from manufacturing investments; it demands, above all things, stability. This country ought now to be enriched by the occupation of hundreds of millions of dollars in mills, mines and furnaces, which have been restrained from investment through the distrust and instability produced by British alarmists. It is known to the committee that the most admirable water power upon the Connecticut, for developing which, upon a scale grand enough to found another Lowell, the property has been purchased and the plans have been long since made, lies idle for such reasons alone as are above suggested. Every Northern State could doubtless furnish similar examples. With such motives for misrepresentation, the British affirmation furnishes no authority for the statement that protective principles are no longer recognized by enlightened nations.

England herself furnishes no example of the policy or practice of free trade. British ministers have repealed restrictive statutes by the hundred because they had been enacted against commercial rivals of Britain which had become so no longer, and because the repeal of these statutes gave them opportunities of popular declamation in favor of free trade. In the more recent measures, which are so often paraded as signal examples of British liberality, England made no sacrifices. Her unexampled natural resources of coal, iron, and wool, and a protective system the most stringent and persistent which the world has ever seen, by which these resources were developed, had placed her manufactures above all possible competition. The duties upon manufactured goods were not removed until these duties ceased to be protective and yielded almost nothing to the revenue. The abolition of the duties upon raw material was only another and more efficient form of protecting the manufacturing interests. The duty on wool was not repealed until it ceased to be of service in stimulating production, as all the land capable of sheep husbandry was fully occupied. The repeal of the corn laws was virtually another form of protection to the manufacturing classes, and the wealthy land-holders, who were the only advocates for the corn laws, were fully reconciled by the enormous advance of rents resulting from the increased development of manufacturing industry in consequence of a *protective free trade*. Can these measures, prompted solely by the self-interest and carried into effect to the infinite profit of England, be urged with any propriety as examples to this nation, when their imitation here would send every sheep to the shambles, stop every spindle and loom, close every mine, extinguish every furnace fire, and reduce us to the colonial dependence from which the Constitution and first acts of Congress rescued the people?

It is idle for England to set herself up as the great exemplar of free trade when she does not scruple to impose a duty of 50 per cent. upon sugar, 100 per cent. upon tea, and 300 per cent. upon tobacco. To this country, of all others,

she should make no boast of her liberality, when her taxes upon our peculiar productions are more heavy than our taxes upon all her manufactured articles. It is shown by unquestionable statistical authority that the amount of duty imposed by the British government upon the simple article of tobacco imported into England from the United States in 1859, viz., \$19,724,420, exceeded by more than half a million of dollars the entire amount of duty collected by the United States upon all their imports of English manufactures—articles wholly manufactured—of every description. But inconsistency rarely troubles British statesmen. “When the British Parliament applaud the absolute enfranchisement of commerce,” says Baron Dupin in 1852, “they clap their hands, and these hands are covered with English gloves whose inferiority is protected against foreign gloves by a duty of 25 per cent.” Such inconsistencies, however, justify us in characterizing this appropriation by England of the term of *free trade* as descriptive of her actual system, as, in the words of one of her own writers, nothing less than a “philological petty larceny.”

The grand fact upon which the British economists rely to delude the world with the idea that protective opinions are declining in the progress of general enlightenment, is the existence of the Anglo-French treaty. This fact would, indeed, be significant, if any such deduction could be legitimately drawn from its existence; for France, the country of Colbert, the founder of the protective philosophy, and of Napoleon, the illustrious recreator of her industrial glory in her position as the *best* manufacturing nation of the world, is regarded as the most conclusive illustration of the beneficence of the protective policy. This very position of France, the stronghold of protective doctrines, made some commercial treaty which could be tortured into an indication of sympathy with English ideas a necessity for the system of British free-trade propagandism. The consummation of the treaty was effected not through the popular sympathy of France, expressed by legislative assembly, but by the political necessities of the emperor of the French, which compelled him to negotiate a treaty without consultation with the people. France would have been false to all her traditions if she had made abandonment—as the English would make us believe she has—of the principles of protection. Her industrial independence, secured by positive aggression upon English industry, was the noblest inheritance which the great Napoleon had bequeathed to her. “Protection,” says the president of the council-general of the manufacturers of France in 1852, “protection, the industrial creation of Napoleon, was the most precious and principal cause of his conquests.” The French ministers dared not to assent to any negotiations which should not carefully guard the manufactures of France. That they did not do it is abundantly proved by the concurrent and uncontradicted assertions in the House of Lords. “The advance,” says Lord Grey, “which France made on the road to commercial freedom was *most inconsiderable*. She retained her whole system of navigation laws; and she bound herself to no duties on the manufactured goods lower than twenty per centum in the first instance and twenty-five per centum afterwards. The only articles on which she made any material deduction were coal and iron, which she wanted in order to stimulate her manufactures. *France, by this treaty, makes a very small approach to the adoption of the liberal system.*” This view is confirmed by the declaration of Count Gasparin, so much endeared to loyal men in this country by his sympathy with the North in the great struggle, who asserts, in his “Uprising of a Great People,” that the Anglo-French treaty is actually more prohibitory than the Morrill tariff. Such also is the view of Mr. Bigelow, a writer of great caution, who expresses the opinion that “if we take into view the comparative condition of the industrial arts and the comparative rates of wages in the three countries, France, England, and the United States, we shall find that the provisions of the Anglo-French treaty are more protective of the manufactures of France than the provisions of the present tariff are of the

manufactures of the United States." Yet even with this protection the current of public opinion in the industrial circles of France sets strongly in favor of still greater restrictions. The duty on iron from England and Belgium is sixty francs, (\$12,) a really higher relative duty, because more protective of labor, than the American manufacturer enjoys. It is stated by Mr. Hewitt, in his recent admirable report on the production of iron and steel, "that independently of this tariff, which admits of a considerable importation of iron into France, it would not be possible for the iron business to be continued on any considerable scale, for the reason that the wages are already at the lowest possible point consistent with the maintenance of human life in a condition fit for labor." Universal complaint therefore exists in the iron districts of the injurious competition of the low-paid labor of Belgium and the oppressive capital of England. Although France exported to England during the last year more woollen goods than she imported, the great woollen centres clamor for a non-renewal of the treaty. Within the present year, as appears in the *Journal des Economistes*, the consultative chamber of arts of Roubaix, the leading centre of the combing wool industry, and the adjoining city of Tourcoing, have protested to the minister of commerce against the renewal of the treaty, declaring that the public fortune of Roubaix has suffered to the extent of 200 million francs. The workmen of Roubaix have petitioned the Emperor to the same effect. The manufacturers of Lisle and Amiens have followed the movement, which is supported by the *Moniteur Industriel*, of January 9, 1868, as follows :

Fifteen thousand millions this Anglo-French alliance has cost us ; counting the results of the Belgian treaty and that which we have concluded with the Zollverein, and we have a total of twenty thousand millions. The treaties of commerce—the grand economical reform—the work which was to render illustrious the second half of the 19th century, has carried twenty thousand millions to the debtor side of our national balance sheet.

These facts the committee cannot but regard as conclusive contradictions of the asserted progress of free-trade sentiment in France.

Without dwelling at length upon the evidences of protective sentiment in Austria, which country possesses a tariff system spoken of by English manufacturers as presenting "features of the most objectionable character, while the duties are almost prohibitory and unjust to England ;" and passing over the Zollverein and Belgium, where the duties, although considerably lower, are carefully adjusted to the actual and admitted necessities of their manufactures, the committee deem it important to dwell for a moment upon a consideration which is often overlooked. This is, that the nominal rate of duties in European countries is no guide to their protective character as compared with the duties imposed in the United States. The duties under European tariffs are generally specific and therefore effective. An absolutely faithful system of collection prevails there, which, unfortunately, cannot be said of this country. With the general level of wages and rates of interest which prevail there, a much lower rate of duty is sufficient to protect the industries of the nations of Europe against each other than would avail to protect our industry against that of Europe. A duty of ten per cent. there is often a sufficient protection. The abolition by England of a duty of that amount upon French silks—which the English were compelled to concede in the negotiation of the treaty in order to introduce into France the more important products of coal and iron—it is conceded has ruined the silk manufacture of England, which flourished under the slight protection of ten per cent.

The committee will terminate this branch of their inquiries by considering the system of a great country, possessing many affinities with our own. Russia, in vastness of territory, in her recent position among industrial nations, in her exemption from all entangling alliances with Great Britain, and in her spirit of national self-reliance, is the country of all others in Europe for us to look to for sympathy and instruction with respect to our industrial policy. The condi-

tions of both countries are happily expressed in the remark of Count Gortschakoff, recently made to representatives of the United States: "God has given to these two countries such conditions of existence that their *grand internal life* is enough for them." The system which achieved the industrial independence of Russia was established by Count Nesselrode in 1824. This system, one of uninterrupted and rigorous protection, has brought Russia, in less than fifty years, from a state hardly above barbarism to that of prominence among the great industrial nations of Europe, and has enabled her to anticipate even this country by her noble work in human emancipation. The committee gather from an English periodical of authority, "the Engineer," of January 31, 1868, some instructive facts illustrative of the encouragement given by the Russian government to the iron industry, which has been forced in this country to struggle under so many difficulties and such vacillating legislation. It is worthy of preliminary notice that the Russian territory, although provided with admirable ores of iron, has not developed the mineral coals, with which, as well as with the ores, this country is so munificently supplied, and that there is not the inducement for encouragement there as here in the capacity of an absolutely illimitable production of this prime necessity of material civilization. The first fact which the committee have noticed is the admission of the English engineer that the vile character of the Belgian and English rails has concurred with the protective policy of Russia in excluding them from that country. "For the exclusion of the foreign rails," says the Engineer, "they have a very valid cause, viz: the very bad quality of the rails supplied of late years, not only by the Belgian, but also by the English makers. Some of the rails supplied by the best known makers in Wales have been the veriest rubbish marketable. The price may be blamed, £7 2s. 6d. per ton, delivered in Cronstadt; but still it is no credit to our English name, and has led to a general cry: 'No more English rails.' The arrangements by the government are upon a scale suited to the vast scheme of Russian railroads, and are made with reference to the future supply of all the iron required from domestic sources. The railway department, a governmental institution, has contracted for the future supply of the Grand Russian Railway Company with all the rails required for the line from Moscow to Nisnie Novgorod, a distance of 410 versts, (272 miles,) at £13 per ton, deliverable at Moscow. For the midland lines the government has made a contract for a supply during a series of years of about 25,000 tons per annum, at £13 per ton, deliverable at Moscow. For lines extending from Finland to St. Petersburg the government has contracted with manufacturers in Finland for a supply of from 50,000 to 60,000 tons per year for seven years, at £13 per ton, and make large advances to the works to put them in condition to supply the rails. "The government," says the engineer, "is quite prepared to pay the high price named, rather than import foreign rails, and probably," he adds, as a feeble protest against this encroachment upon British rights, "from a most erroneous view of the principles of Adam Smith, who is much read and prized by many Russians."

We see this great government—an imperial and not a popular government, but thus independent of public caprice, and free to act for the ultimate interests of its people—deliberately resolving that its national interests require it to reject the cheap iron of England for the products of its own soil, to refuse the foreign iron which could be delivered at \$35 per ton in gold, and to purchase for seven years from 200,000 to 300,000 tons of iron a year at \$65 per ton, nearly a double price—equivalent to \$13 in currency more than the present price of American iron—and even to advance the capital by which the iron is to be fabricated. Such prices and such encouragement would establish rolling-mills at the foot of the Rocky mountains, and save the wear and tear of the tracks caused by the transportation of the rails of which our Pacific roads are constructed. What a contrast to the policy which has suffered the iron industry to freeze and

thaw in this country. For 20 years, at intervals of eight and twelve years, our iron industry, although it has doubled and tripled its production during the interrupted periods of protection, has been deprived of its natural right to the protecting care of the government, whose constitutional duty was to defend it, and which in the time of war proved the nation's greatest defence. No industry has been exposed to such vicissitudes and temporizing legislation, to so formidable and unscrupulous a competition, and to such ruinous fluctuations of prices. Already, in consequence of the brief periods of protection, we are the third iron-producing nation in the world; under a stable protective policy, such as Russia has so continuously enjoyed for 40 years, with our resources, we might now be the first; for Providence itself has marked this country as the one of all others where the industry of man and the enlightened policy of the state should unite to achieve the grandest triumphs of the "age of iron." She has given to the gigantic bowl into which the treasures of our coal measures are heaped an area four times larger than the united coal fields of all the rest of the world—an imprisoned force which could almost achieve the boast of Archimedes. A range of magnetic ores stretches from New York to Georgia, a distance of over a thousand miles. In the great valley of the Trenton limestones, on the margin of the coal-field, the range of hematites extends from New York to Alabama, expanding in its southern portions into such masses as to defy estimates of quantity. In Alabama the horseman can ride a hundred miles upon fossiliferous ores 15 feet in thickness. In the Adirondacks the magnetic iron ores form the beds of rivers. In Arkansas and Missouri the peroxides rise into mountains. Upon Lake Superior the specular ores swell into masses beside which the world-renowned beds of Elba, which have been worked since the Roman period, are insignificant. What lines of rails, what ships, what monitors, what engines of defence, what tools of production lie buried in these marvelous deposits, to be forged into shape and to become instruments of civilization at the magic touch of the hand of a protecting government!

To recur from this digression to the conclusion to be drawn from a survey of the policies of the manufacturing nations of Europe, the committee do not hesitate to declare that this survey leaves no doubt upon their minds that the protection of their national industries is a fundamental principle among all the manufacturing nations of Europe; that those nations have risen to most eminence in which this policy has been most vigorously exercised; and that the only apparent exceptions to this policy are in cases where the free introduction of raw material or agricultural produce has been found to be the most efficient means of protecting the manufacturing classes. This policy has not only given to each nation its own industry, but has given each a national character resulting from the peculiar genius of its people. The arts and products of each have overflowed its borders and spread into surrounding nations, and thus Europe as a whole is able to present those grand expositions of the arts which are the glory of the 19th century. "What," says a recent writer, who has faithfully studied the progress of the textile industries, "would have been the future industrial condition of continental Europe if, at the time when peace restored the nations to labor, the textile manufactures had been left to their own free course and no legislation had intervened to regulate their progress? Can there be any doubt that they would have become the exclusive occupation of England? Alone in the possession of steam power and machinery; alone provided with ships and means of transport; alone endowed through her stable legislation with capital to vivify her natural wealth, she had absolute command of the markets of the continent. The question was presented to the continental nations, whether they should accept the cheap tissues of England or, at some sacrifices, repel them, to appropriate to themselves the labor and profit of their production. The latter course was successively adopted, with some modifications, by each of the continental nations; and with what results to their own

wealth and the industrial progress and comfort of the world ! Instead of a single workshop, Europe has the workshops of France, Russia, Austria, Prussia, Belgium, Sweden, Denmark and Spain, each clothing its own people with substantial fabrics ; each developing its own creative genius and peculiar resources ; each contributing to substitute the excellence of competition for the mediocrity of monopoly ; each adding to the progress of the arts and the wealth and comfort of mankind."

THE PROTECTIVE POLICY JUSTIFIED BY EXPERIENCE.

The committee propose next to show that the protective policy is founded upon a just consideration of the interests of the American people. This may be demonstrated in the first place by the abundant evidence that the periods of our greatest general prosperity have been concurrent with the periods of the prevalence of the protective policy, and that industrial and commercial depression has been equally concurrent with the prevalence of the opposite policy. A brief reference to the periods in question will suffice to illustrate a proposition which has been completely substantiated in detail by economical historians, and of whose truth no business man past middle age needs any examples. The first signally marked period of protective influences, and the first when the country was effectually relieved from the foreign products which repressed the first struggles of our industry, was that preceding the war of 1812, during the embarrassments of foreign commerce and the restrictions upon the importations of goods which prevailed about 1807 and 1808. In consequence of these impediments to foreign commerce there had already grown up in 1812, in Rhode Island and Massachusetts, about 70 cotton mills with 48,000 spindles. The protective influences of the war which had raised the prices of the poor articles of cotton previously imported from England, from 20 cents to 75 cents a yard, so stimulated the manufacture that in 1815 the cotton mills had reached the number of 165, with 119,000 spindles, and the power loom had been successfully established in New England. Here we see the planting, by protection, of the manufacture, which, in 1860, less than 50 years afterwards, employed over 5,000,000 spindles. The woollen manufacture, which in 1790 had but one mill, that so enthusiastically mentioned by Mr. Hamilton in his famous report, was brought up from a product of \$4,000 in 1810, which it had attained through the commercial impediments of 1807 and 1808, to a value of \$19,000 in 1815.

The activity during this period was not confined to manufactures. At no period, up to that time, had agriculture obtained such rich rewards. It is the concurrent testimony of the time that farmers, mechanics, and laborers were more thriving during this period of restriction upon foreign imports than they had ever been before. In a quaint dialogue purporting to be held between a Pennsylvania farmer and an importing merchant, published in the gazettes in 1819, after this period of prosperity had passed away, the farmer is made to use this language, which indicates the sentiments of the times :

I sold my wool to the manufacturers during the war for more than double the price I now get for it. In fact, I cleared more money during the war and non-intercourse than I ever did before or since in the same length of time, and, was it not for the horrid idea of people killing each other, I would say let us have the war forever rather than this sort of losing trade we carry on now.

At the close of the war the country was overwhelmed by the enormous importation of \$70,000,000 in cottons and woollens, admitted at a duty of *five* per centum *ad valorem*. Although Great Britain lost heavily by the first importations she consoled herself for this loss by the prospect of permanently commanding our markets. It was at this very period, namely, on the 9th of April, 1816, that Mr. Brougham remarked, in the House of Commons :

It was well worth while to incur a loss upon the first exportation, in order, by the glut, to stifle in the cradle those infant manufactures in the United States which the war had forced into existence, contrary to the natural order of things.

It need not be said that the manufactures of the country were prostrated as suddenly as the trees of the forest are by the hurricane. Money disappeared as the springs of water sink after an earthquake. The few manufacturers who survived could dispose of their goods only by direct barter for country produce. Even this produce was a drug. Merino sheep were sold for a dollar. During the war bucks had been sold for \$1,000 apiece. We can imagine what our condition would now be if, at the close of the war of the rebellion, our markets had been thrown open to the people who instigated the piracies of the Alabama, only by recalling the tales which our grandfathers and fathers have given of the distress which then attended the prostration of our young industries. The committee will give but one example, in the condition of the city of Pittsburg in 1819, as stated by Matthew Carey, in the Olive Branch. He says:

This city, in 1815, contained about 6,000 inhabitants. It exhibited as exhilarating a scene of industry and prosperity as any place in the world. Its immense local advantages—seated at the confluence of two noble rivers forming the majestic Ohio; its boundless supplies of coal; and the very laudable enterprise of its inhabitants—had for a long time rendered it the emporium of the western world. But, alas! the immoderate influx of foreign manufactures poured in there shortly after the peace produced a most calamitous reverse. The operations of the hammer, the hatchet, the shuttle, the spindle, the loom, ceased in a great degree. Noble establishments which reflected honor upon the nation were closed; the proprietors ruined; the workmen discharged; a blight and a blast overspread the face of the city; and the circumjacent country, which had shared in its prosperity, now equally partook of its decline.

He further states that by a minute investigation, conducted by citizens of high standing, it appeared that 2,576 people of the city had been deprived of the employment which supported them; that is, over one-third of the population had lost the income from their labor, to many of whom it was their sole income. The loss in that one year in the wages of labor, compared with 1815, he computes at \$1,735,833, the corresponding loss in Philadelphia being set down at \$7,100,804. Far more distressing, because of the present more intimate connection of manufactures with our whole industrial existence, would have been the condition of the country at the close of the war of the rebellion if the low tariff of 1857 had then been in operation. In the terrible convulsions which agitate the coasts of volcanic regions, one instrument of destruction always precedes another. The earthquake shock is invariably followed by the uplifting of the ocean, which pours in a devastating wave upon the coasts. Just so surely would the earthquake shock of the late war have been followed by a devastating inundation of importations, effecting for our industries a work of demolition which the shock of the rebellion failed to do, if a resisting breakwater had not been built around the land in the tariff of 1861. It is becoming to a grateful people to entertain the pious thought that the hand of Providence sustained the nation in its great struggle. Not less providential than the victories of the war was the wisdom inspiring the legislation which averted such an industrial ruin as at a former period made peace scarcely a blessing.

Although the moderate increase of duties effected by the tariff of 1816 gave some relief, while the practically specific duty given to cotton fabrics became subsequently very efficacious, the general depression of industry bearing with great weight upon all the products of agriculture, which called forth from General Jackson the inquiry in his famous letter, "Where has the American farmer a market for his produce?" his answer, "Except for cotton he has neither a home nor a foreign market," and his grand remedy, as universal as the panacea for which the old alchemists sought, "draw from agriculture the superabundant labor, employ it in mechanism and manufacture," continued until the passage of the tariff of 1828.

This tariff, the highest we have ever had, with rates of duty averaging 41 per cent upon imports subject to duty, infused new blood into the national body. Mills and furnaces were built; the production of iron increased to 210,000 tons. Labor came into demand. A steady stream of immigration set

in from Europe. There was no longer a question, "Where has the American farmer a market for his surplus products?" They were all in demand to feed the laborers at the mills and furnaces. The revenue reached the unparalleled amount of over thirty millions. The means for the final extinguishment of the debt of the revolution were provided. The legislators who co-operated in establishing the measures by which this great consummation was accomplished were able to exclaim exultingly, in the language of Mr. Adams:

By the total extinction of our national debt we associate ourselves with the toils, the sacrifices, and the honors of the revolutionary struggle for independence. * * * May we not, as the last certificate of the national debt shall be cancelled, turn successively back to our fathers and say: "See, we have performed your task and fulfilled your charge;" and forward to our children, and exclaim: "See what your forefathers have done for you."

The system of compromises commenced in 1833, which finally brought down the rates to only 24 per cent. upon all dutiable imports, and caused the revenue to dwindle in 1842 to \$12,780,173, was attended by universal distress, universal because pervading all parts of the country, by loss of the national credit at home and abroad, repudiation of debts by States, and, in fine, by all the evidences of industrial and commercial calamity.

No business men of mature age need to be reminded of the magical change effected by the protective tariff of 1842, of the demand for labor, the increase of wages, the multiplication of the instruments of production, the springing up of new arts, the rush of emigration, the rapidity of circulation, and the appreciation of public and private revenue; nor of the revulsion which followed in consequence of the free trade system of 1846; the decline of production, of emigration, of wages, and of public and private revenue, until the culmination of the system in the tariff of 1857, with the memorable crisis of that period, the general ruin of manufacturers and merchants, the suspended payments of banks, the reduction of the treasury to the verge of bankruptcy, and the unparalleled distress among hundreds of thousands of the unemployed poor. The discovery of gold in California, the famines in Europe, and our ability to renew the manufacture of iron in consequence of the high prices in England, consequent upon the very destruction of our works, partially modified the effects of the free-trade policy. Still the contrast in general prosperity with that existing under the previous system was sufficiently manifest, and is still more so with that which succeeded.

The tariff of 1861, though less protective in its terms than that of 1842, and much less than that of 1828, was rendered eminently so by circumstances which threatened at first to neutralize all its benefits. Taking into consideration the effect of that tariff and the encouragement given to domestic production by the impediments which the war interposed against foreign competition, and we must regard the four years succeeding that tariff as by far the most protective period in our history. Never, even in the world's history, in the times of Edward IV, of Queen Elizabeth, of Louis XIV, with Colbert as his minister, of Napoleon the Great, were such evidences accumulated of the national benefits of industrial independence. First of all is the grand fact that the north triumphed over the rebellious south, not so much by its arms as by its superior material resources—resources which were the results a diversified industry produced mainly by the defensive system, notwithstanding its occasional cessations. Again, in consequence of the respite from foreign dependence, new arts were introduced, industries from mere germs grew into full proportions, and new fields of enterprise were opened. During the protective period of the war the metallurgical arts made especial progress. For cast steel, the material of our sabres and bayonets, and tools for boring cannon, at the commencement of the war we were entirely dependent upon England. Before the close of the four years cast steel and rolled steel were produced at Pittsburg equal to the best English makes, and in quantities reaching to 70 or 80 tons a day. The production of pneumatic

steel was also successfully inaugurated. The manufacture of silver and plated ware by power machinery was established with such success that American wares now almost wholly exclude the wares of Sheffield. The manufacture of small arms and sewing machines attained such perfection that these domestic articles now form important items of exportation. The largest cannon of cast iron and the strongest heavy cannon of wrought iron known in any military service were produced. Quartz gold mining replaced placer mining in California and Colorado. The zinc of Illinois and copper of Michigan were united in the manufacture of brass for consumption at the west; and the manufacture of watches from brass, glass, gold, enamel, and steel, wholly of American production, was established in Illinois. The magnificent specular ores of Marquette, in the district of Lake Superior, became an article of regular commerce for the supply of the furnaces of the coal regions, and the annual production of iron rose to a million and a half of tons, with single furnaces producing 15,000 tons a year, and rolling mills producing 1,300 tons of railroad iron per week. The impulse given to the textile arts, and to the husbandry supplying them, was no less remarkable. While the general manufacture of cotton, although cut off from its chief supply of raw material, held its own, the manufacture of cotton hosiery was introduced as a new industry, reducing the prices of an important article of personal consumption to rates only one-half as large as those prevailing before the war for imported articles. The woollen knit goods industry was vastly developed and new fabrics and machinery were introduced. New branches of the worsted manufactures were established, which have already been developed into manufactures whose products, unknown before the war, rival those of Bradford. The silk manufacture, a mere germ in 1860, has risen into proportions which insure it a position among our leading industries. The woollen manufacture attained in 1864 a production of over \$121,000,000 in value, while the production of wool in many western States, where it had decreased in the previous decade, was increased 100 per cent. This manufacture clothed the millions of soldiers of the republic as no armies were ever clad before. New card wool fabrics, such as beavers, sackings, and cloakings were introduced, and experts declare that in five years this manufacture has made more progress than within any 20 years before. To these examples may be added the introduction of the manufacture of beet sugar in Illinois, an industry whose future importance to the agriculture of the west is beyond estimate; the opening of the coal deposits of Illinois, Iowa, and Kansas, and the more wonderful opening of the petroleum wells of Pennsylvania, which have added many millions a year to our resources. What are the evidences of general progress during this period? It is estimated by reliable observers that, putting out of question the cities of the east, where capital could be more profitably employed than in building, more mills, furnaces, and houses were erected, more mines opened, more improvements upon railroad lines made, involving an increase of power of transportation, more additions given to the machinery of agriculture, such as reapers and mowers, than during twice the same number of any previous years. At the commencement of the war, viz, in 1860 the money in the savings banks, representing the earnings of the laboring class, in the State of Massachusetts, was \$45,054,236, and in the State of New York \$58,178,160. At the close of the war, viz, in 1866, notwithstanding the great amount invested in government securities, the amount invested in Massachusetts was \$67,900,571, and in the State of New York \$115,472,566. It is a modest statement, and one confirmed by the Special Commissioner of the Revenue, that, although the country expended, besides the appropriation for the revenue, in the five years from 1861 to 1866, the vast sum of \$712,000,000 a year for labor and commodities withdrawn from the productive employments of peace to the destructive employments of war, "the northern and Pacific States did not cease to make a real progress in the creation of substantial wealth."

It is due to the protective influences of the war, that the country, like the

ilex of the Roman poet, "through its hurts and its wounds, and from the very knife itself, drew wealth and vitality."

*Per damna, per caedes, ab ipso,
Ducit opes animumque ferro.*

Judge Phillips, one of the ablest of our economists, remarks, that "this science of public economy, like many others, that are necessary to be practically acted upon in affairs, is a tentative, experimental one, in which propositions are to be demonstrated only by the results of experience; and if it be possible to demonstrate anything by that process, the vital expediency of protection to domestic industry by duties on imports has been so demonstrated." Theories cannot obliterate history. The facts illustrative of the renovation and universal activity and prosperity which attended each of the periods of protection above reviewed, and the converse facts, showing that the other times, when the influx of imports was greatest and foreign products were cheapest in our markets, were those of our greatest distress, are familiar to the intelligence of the country. The records of these periods must be regarded as conclusive demonstrations of the true policy of this country.

RELATIONS TO CAPITAL AND LABOR.

Again, the necessary conditions of a new country and a progressive people, such as our own, are such that the protective policy is indispensable to the existence among us of a diversified industry. Mr. Hamilton, in his celebrated report, presented with singular distinctness the advantages of a diversified industry, in such remarks as these:

When all the different kinds of industry obtain in a community, each individual can find his proper element and can call into activity the whole vigor of his character.

The spirit of enterprise, useful and prolific as it is, must necessarily be contracted or expanded in proportion to the simplicity or variety of the occupations and productions which are to be found in a society. It must be less in a nation of mere cultivators than in a nation of cultivators and merchants; less in a nation of cultivators and merchants than in a nation of cultivators, artificers, and merchants.

There seems to be a moral certainty that the trade of a country which is both manufacturing and agricultural will be more lucrative and prosperous than that of a country which is merely agricultural. There is always a higher probability of a favorable balance of trade in regard to countries in which manufactures, founded on the basis of a thriving agriculture, flourish, than in regard to those which are confined almost wholly to agriculture.

These views must commend themselves to every man's common sense. But this diversified industry, or, in other words, a manufacturing in addition to an agricultural industry, cannot exist in this country in free competition with the more abundant capital of Europe, and the circumstances, not to say the advantages, of its cheap labor.

The committee will notice first the comparative conditions of this country and Europe in the command of capital. Calculations by the most eminent of our business men, which have been carefully examined by the committee, and whose correctness has never been impugned, shows that for the 15 years preceding 1861 the market rate of interest in England averaged 3.90 per cent., and the bank rate averaged 4.02 per cent. At the bank of France the average for the same 15 years was 4.16 per cent., while in the United States the rate of interest for the same period was 9.12 per cent. The rate of interest in this country was therefore more than double that prevailing in England and France. These high rates of interest are inseparable from the condition of a country whose capital is so largely absorbed in clearing virgin lands and settling new states and territories. The advantage which the European, and especially the English, manufacturer possesses in the ready command of capital is a consideration too often overlooked. It is mainly in consequence of this advantage that all our steam lines have been driven from the ocean by English companies. Commercial

enterprise contends just as vainly as manufacturing enterprise against the abundant and cheap capital of Europe. The literary representatives of the English manufacturers, such as Mr. Simonds, do not hesitate to boast that their abundant and cheap capital enables them to put all the rivalry of the rest of the world at defiance. They repeat the sentiments of Burke, uttered 80 years ago: "Our capital gives us a superiority which enables us to set all the efforts of France to rival our manufactures at defiance. The powers of capital are irresistible in trade; it domineers, it rules, it even tyrannizes." Among the strongest arguments for protection in this country is its capacity to neutralize the vast power of the capital of the old world.

Protection is made necessary by the claims of American labor. The committee here approach the very heart of the question, the central idea, upon which protection generally, and in this country especially, is founded. In the great speech with which M. Thiers electrified Europe on the 13th day of the present May, he said to the advocates of free trade upon the ministerial and imperial benches, "Do not talk to me about your interest in the workman. This interest I do not deny; but I show you the extreme consequence of your theory, the misery of the workman." * * * "The object of every economical system," he continues, "is to procure the greatest possible amount of labor. The barbarous nations do not concern themselves about this matter; but the care of enlightened nations is always to augment the quantity of labor. Imitation, emulation, animate them all; and here we have the sentiment which has created civilization. Labor, then, is the first necessity of the people, and by consequence it is to procure this labor for them, in the utmost possible amount, that every economical system ought to tend. Besides, is not labor the law of humanity, the source of its power, of its dignity, of its morality? When the young men come to me to ask counsels of my experience, I answer them—work; labor will render your pleasures more appreciable and your sorrows less bitter. Labor is the grandest benefaction which God has granted to man. It is, then, the great end to assign to nations as well as to individuals." From such considerations as these this great statesman deduces the conclusion that the whole economical question is resolved in the maxim, "Reserve the national market for the national labor."

Two reports showing the relations of two leading industries with the great Exposition at Paris, one by Mr. Hewitt upon the production of iron and steel and its economical and social relations, and the other by Messrs. Mudge & Hayes upon wool and manufactures of wool, shed much light upon the condition of the labor abroad, with which the abolition of protective duties would throw our own labor into free competition. These reports demonstrate that the superior cheapness of iron and of woollen manufactures abroad is due wholly to the cheapness of foreign capital and labor, and that the natural advantages of position and the acquired advantages of skill and suitable machinery of this country are fully equal to those abroad. Mr. Hewitt shows that the absolute or natural cost of iron in this country, as determined by the quantity of labor expended in the production of a ton of that metal, is but slightly greater than in England. In the Cleveland region of England, the one most favorable for the cheap production of iron, the cost of producing a ton of pig-iron is about 40 shillings, which, at the average rate of wages paid around the blast furnace, is equivalent to eleven days labor—that is to say, the labor of eleven men for one day. It is possible that in one or two works this may be reduced to ten days, but in others it rises to twelve or thirteen. "In the United States," he observes, "the cheapest region for the manufacture of pig-iron is on the Lehigh river, in Pennsylvania, where, taking coal and ore at their actual cost of mining, pig-iron is produced at an average cost of \$24 per ton, which represents, at the present rate of wages, the labor of about thirteen days. But," he continues, "when the iron business is extended along the great valley which extends

from Virginia to Alabama, the labor of bringing the coal and the ore together will be considerably less than on the Lehigh river, and it is safe to say that then iron can be made in any required quantity, when all avenues of communication are sufficiently opened, with as little labor, to say the least, as it can be produced in the Cleveland region." Similar facts are presented by Messrs. Mudge & Hayes in regard to the woollen industry. "An important point of inquiry," they observe, "is the relative cost of production of such manufactures as we have most successfully achieved here, measured by the only correct standard, the relative expenditure of human labor required for such production. The solution of this question will determine whether we have such natural or acquired advantages as will justify the encouragement of this manufacture as a national industry. * * This question must be solved for the products of the card-wool industry generally by comparing the efficiency of our system, processes, and machinery of fabrication. The many practical manufacturers who have recently visited Europe for the express purpose of studying its industries concur in declaring that in these respects we are on an equality with the most advanced nations." After giving many interesting illustrations of this position, the report proceeds: "When we take into consideration the greater energy and intelligence of our better fed and better educated workmen, the necessary use of every labor-saving process on account of the higher cost of labor here, and the admitted superiority of American machinery, it may be safely asserted that a yard of cloth is made in this country with less hours of human labor than one of equal quality and of the same degree of finish abroad. * * From what has been said it is apparent that the greater money cost of fabricating cloths here is not due to any want of natural advantages or any deficiency in skill and effective labor on the part of the American manufacturer. It is not true of this industry, as is often asserted by theorists, that it has a sickly and hot-bed growth sustained only by artificial stimulus and rendering its production as unnatural, to use Adam Smith's often-quoted comparison, as that of wine produced from grapes grown in the green-houses of Scotland. The higher cost of production in this industry is due solely to national causes inherent to a new country and a progressive people, to the higher rates of interest on capital required to initiate industrial enterprise, and to the higher rates of labor demanded by the greater social and educational requirements of our industrial population."

The facts illustrative of the wretched compensation of European labor are given in full detail in each of the reports referred to. The average price paid to the whole of the 10,000 workmen in the great iron establishments at Le Creuzot, in France, is 3.45 francs, (65 cents) per day. In all the iron districts it requires the utmost economy on the part of a laboring man, and the united labor of his wife and children, to keep his family in existence; and it is the accepted rule and practice for such a family to have meat but once a week. The existence of the iron business in France, as a national branch of industry, may be said to rest upon the elementary condition of giving meat once a week only to the great mass of laborers who are engaged in its production. Although better wages are paid in Great Britain, in Wales women are extensively employed in the works, doing the labor for which a man would be employed, and earning less than one-half the wages that would be paid to a man for the same labor, which they perform equally well. In Staffordshire, and in the north of England and Scotland, women and children are extensively employed above ground about the mines, and it is stated that if the women and children were altogether withdrawn from those occupations, as they are in the United States, it would not be possible to produce iron except at a considerable advance on its present cost. The rates of English wages, although higher than in France, are greatly below those prevailing here, as appears by the following table furnished by a manufacturer to the Revenue Commissioner:

Date.	Wages of English puddlers.		Wages of American puddlers.	
	Per ton.	Per day.	Per ton.	Per day.
1860	\$1 20	\$0 60	\$3 04	\$1 52
1864	1 60	84	6 49	3 24½
1865	1 80	90	6 54	3 27

The facts furnished in relation to the great woollen centres are equally suggestive. The following facts as to the compensation at Elbœuf, the centre of the fancy cassimere manufactures, are derived from documents furnished, in 1864, by a former mayor and president of the Chamber of Commerce of the city referred to :

The working population employed in the woollen manufacture is estimated at 24,000. In the most ordinary cases the yearly wages for men are 750 francs, (\$150;) for women, 525 francs, (\$105;) for young men and girls, 275 francs, (\$75;) for children, 225 francs, (\$45.) The prices of food and lodging are relatively high. The food of the men, such only as serves to support mere existence, costs 350 francs, (\$70;) house rent, 125 francs, (\$25;) other necessary expenses for maintenance, 160 to 180 francs, (\$32 to \$36.) On this scale of living the workman is able to eat meat only on Sunday; the only animal food on week-days being salt herring or mackerel; and even with this meagre sustenance there is hardly any margin for saving or amusement. The invariable consequence of the reduction of the compensation of labor to the bare necessities of life is the moral degradation of the working classes. The consumption of alcohol at the drinking shops is enormous. "On the other hand, the women give themselves up to other tastes; their toilets consume their savings; and their scruples are in general not very vivid as to the means of increasing the same where it is insufficient."

In the city of Rheims, one of the great centres of the combing wool industry, the whole number of workmen employed, in 1863, was 55,000, of whom 38,000 were hand-loom weavers. The workmen employed upon power machines are comparatively well paid. The men spinning combed wool are paid from 3 francs 50 centimes (70 cents) to 4 francs (80 cents) a day, and the women from 1 franc 40 centimes (28 cents) to 1 franc 70 centimes, (34 cents.) The power-loom weavers earn from 2 francs 25 centimes (45 cents) to 3 francs, (60 cents;) but the hand-weavers, who compose 38,000 of the population, are reduced to wages which average only, for a man, 1 franc 50 centimes (30 cents) a day; for a woman, 1 franc, (20 cents;) and for two children, 75 centimes, (15 cents;) a total of 1,200 francs (\$240) for the labor of a family of four persons. The estimated expenses for the absolute necessities of living are 1,188 francs, (\$237 60,) leaving a surplus above bare necessities of only 12 francs, or a little over \$2. It is hardly necessary to say that this surplus is scarcely ever attained, and that poverty, debt, and moral degradation are the normal conditions of the industrial population.

In Belgium, Germany, and Austria, the wages in the woollen manufactures are even less. The average wages paid to the persons employed in the woollen manufacture, as stated in the "Statistique Générale de la Belgique," are, for men, 32 cents a day; women, 18 cents; boys, 13 cents; girls, 12 cents. In Germany the average price for a day's work for weavers, in the country, does not exceed 25 cents, and, for the towns, 35 cents; women are paid one-third less. In Austria the average price of labor in the woollen manufacture does not surpass 25 cents a day. It is no wonder that, notwithstanding the alleged high rates of our tariff, the goods of Belgium, Germany, and Austria pour into this country with such destructive consequences to our wool growers and manu-

facturers. Comparatively few importations are made of goods produced with the higher paid labor of England. It is with the most wretchedly paid labor of Europe, receiving not more than a quarter of a dollar a day, that the American laborer in the woollen industry has to compete. The facts above stated are derived not from American observers, but from the highest statistical writers of France, who are unbiassed by protective proclivities. The report last mentioned, from which the committee have derived the latter facts, observes :

It is due to the French social writers and statisticians to say that the facts illustrative of the condition of the laborers are stated without any attempt to justify them on the one hand, or to exaggerate them on the other. It would appear that the evils of the European rate of the compensation of labor are so vast and so entwined with the existing social and political system, that it is vain to attempt to grapple with them. "The question of wages," says one writer, "is one of the most important questions of our epoch, and, perhaps, the most difficult to resolve. We shall not attempt to discuss it." Another writer says : "Before long this question of wages will occupy a more important part than it has done before in the respective accounts and means of defence of the various industries."

If the claims of labor are just arresting attention among the despotisms of Europe, how much more paramount are they here, where we have in Mr. Lincoln's memorable words a "government of the people, by the people, and for the people." And who are the people? They are the laborers who earn year, by year, the entire income of the nation; not merely the public revenue out of which the whole expenditure of the nation is borne, but the private revenue, be the same more or less, of every individual who has other means of living than by his labor. They are the men and women whose product of labor is \$4,000,000,000 a year—one half in food and the other in raiment, furniture, and other necessities of life, who supply all the commodities which we export to pay for all the articles which we import, and who furnish directly 90 per cent. of our whole consumption, and indirectly the other 10 per cent derived from foreign commerce. These laborers are the men who constitute our state. They can rightfully exclaim *l'état c'est moi*, "we are the state." The first duty of a government "for the people" is to sustain the wages of their labor, and a government "by the people" will never fail to protect their most vital interests. Free trade aims to diminish prices by reducing the wages of labor. Its advocates unblushingly avow such sentiments as are found published in a leading New York paper of the current month :

One of the immediate effects of a high tariff is to keep up the price of labor, which is more than four times as high in this country as it will average in Europe. I am for unqualified free trade. I would sell out the custom-houses, discharge the leeches that swarm around them, and allow people to sell and buy products and goods wherever they found it for their interest to do so. This will bring us to a true and normal condition. I see clearly what the effect would be. Commercial disturbance would be the natural result, for it would be a great and radical change. We should be on an entirely new foundation. The first effect would be to stop manufacturing here, and the country would be filled with foreign goods, many of which Europe would never see her money for. A commercial revulsion would follow, laborers would be out of employment, and the price of labor would come down, down, down, until it touched the European standard and then success is secured.

To sustain the American and to avoid the European standard of wages, with its attendant miseries of poverty, debt, and moral degradation which have been shown to be the normal conditions of the industrial populations of Europe, is the primary object of the protective policy, to which all other objects are merely secondary and collateral. If the elevation of labor is "the sentiment which has created civilization," it is the sentiment which must be always paramount in a country which exhibits the highest results of civilization in a "government of the people, by the people, and for the people."

A MARKET FOR AGRICULTURAL PRODUCTS.

If the protective system is necessary to insure adequate wages for all labor, another proposition follows which is but a corollary of this, but one which is

interesting to the largest class of our producers, viz: that the protective system is required in this country to secure a remunerative market for the products of agriculture. Mr. Hamilton, speaking of "the natural causes tending to render the external demand for the surplus of agricultural nations a precarious reliance," and of "the necessity of an extensive domestic market," observes:

To secure such a market there is no other expedient than to promote manufacturing establishments. Manufacturers, who constitute the most numerous class after the cultivators of the land, are for that reason the principal consumers of the surplus of labor. This idea of a domestic market, for the surplus product of the soil, is of the first consequence. It is, of all things, that which most effectually conduces to a flourishing state of agriculture.

An experience of over eighty years has made manifest the wisdom of this profound observation, which, in its application to this country, seems almost a prophetic inspiration. It has shown that every individual withdrawn from agriculture to manufactures, and each of his dependents, remains a consumer of exactly five bushels of wheat, or a barrel of flour, the produce of our own agriculture. The farmer loses a competitor for the sale of his surplus produce, and at the same time gains a consumer, and saves the cost of transportation of just so much to a foreign market. It has shown that every furnace and mill constructed by a protected industry has been to the waste land surrounding it what the spring of water is to the desert, producing, not figuratively, but literally, an oasis of verdure in the most arid waste. While the produce of an acre of land would bring but a ton of iron abroad, the same land producing vegetables, which could not be transported, will purchase five tons of iron produced in the vicinity of the farm. It has shown that the value of land is doubled and quadrupled by the vicinage of manufacturing establishments; that while the manufacturers as a whole have not realized even half the legal rate of interest upon their investments, the poor granitic lands of Massachusetts, in consequence of these investments, are worth \$57 an acre, as much as the rich calcareous lands of New York; that Massachusetts and Philadelphia consume more of the products of the United States than all Europe; that taking any average year, 1860 for instance, when the aggregate value of all the products of our agriculture was \$1,856,000,000, and our exports of these products was \$272,000,000, including cotton, which amounted to \$24,000,000, the home consumption is nearly seven times as much as the export demand, and excluding cotton from the totals of production and of export, on account of its exceptional character, our home consumption of the products of agriculture is more than 20 times as great as our exports to all foreign countries. In fine, it has been exemplified here, by a comparison of the present with the period when Mr. Hamilton wrote, that the purchasing power of a people who have duly mingled manufacturing with agricultural industry is tenfold that of a purely agricultural community. The producers in this blended industry purchase from each other, and the only limit of the power of purchase is the power of production.

It is demonstrated by the statements of the commerce and navigation of the United States as collated by the eminent economists, Mr. Bigelow and Dr. Elder, that while the demand for our agricultural products by the non-manufacturing countries, such as Brazil, Chili, and the West India islands, with whom we have a natural exchange founded upon differences of indigenous productions, is comparatively regular and constantly increasing, the demand for our agricultural products by the manufacturing nations is extremely fluctuating and precarious, and is constantly though irregularly decreasing. This fact is so interesting and important, and so little understood, that the committee have deemed it important to reproduce in the appendix a statement laboriously prepared by Mr. Bigelow, showing the value of our principal exports to the United Kingdom of Great Britain, as compared with similar exports to other countries on the eastern hemisphere, and to all countries on the western hemisphere, in each year from 1846 to 1860.

In 1860, according to Dr. Elder, the non-manufacturing countries took six-tenths of our purely agricultural products and furnished us a market for 32,000,000, out of 42,000,000, of our exported manufactures. On the other hand, according to Mr. Bigelow, the mean value of our exports of provisions to Great Britain is less than the value of our exports of such products to the non-manufacturing countries on this continent. Our exports of breadstuffs to Great Britain for 12 years preceding 1861, as compared with the preceding three years, actually decreased nearly 30 per cent. The results derived from American tables show a decrease of $29\frac{93}{100}$ per cent., and from British tables, based upon quantities instead of values, of $27\frac{34}{100}$ per cent. The monthly report of the Director of the Bureau of Statistics, of February 29, 1868, shows that of 29,941,558 quintals of wheat and wheat flour imported into Great Britain during the 12 months ending June 30, 1867, but 1,620,405 quintals, or $5\frac{4}{10}$ per cent., was furnished by the United States, a little more than the quantity furnished by Turkey, which was $4\frac{6}{10}$ per cent.; while Russia furnished $35\frac{1}{10}$ per cent., and the Germanic States, $29\frac{7}{10}$ per cent. The proportion by value is shown to be much the same. Of £20,420,468 worth of wheat and wheat flour, the United States furnished but £1,177,752 worth.

These facts are full of instruction. They show that the non-manufacturing nations who send us no wares or fabrics, and who demand no change in our protective duties, are the largest, the most regular, and the most constantly increasing consumers of our agricultural products. Free trade therefore would not increase our exports to *them*. On the other hand, the corn trade of the leading manufacturing nations is already free to us; and yet with our increasing agricultural productions, our enlarging population, and greater facilities of transportation they consume each year less and less of the products of our agriculture. How preposterous then is the assumption, that our export of breadstuffs will be enlarged by free trade with those nations who alone demand it! They will consume our breadstuffs, only, when the cheaper product of European labor is cut off by unfavorable seasons, or when free trade being unhappily triumphant, having driven all our labor now employed in manufactures to the soil, and having at the same time increased our home supply and cut off home demand, our increased surplus can be obtained at prices conforming to the low scale of European wages.

PROTECTION A BOON TO CONSUMERS.

Another maxim drawn from the treasury of economical wisdom, the report of Mr. Hamilton, is: "But though it were true that the immediate and certain effect of regulations controlling the competition with foreign and domestic fabrics were an increase of price, it is universally true, that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper." It is thus that instead of being a tax, protection becomes in reality a boon to the consumer. Experience in regard to the arts in all civilized nations has shown that they do not grow spontaneously any more than wheat or barley, but are the products only of protected cultivation. If prices are enhanced by means of the process by which the industrial arts are created, the temporary enhancement of price is compensated a hundred fold by domesticating the production. It will scarcely be denied that the nation as a political body is benefited by the naturalization of all the arts which contribute to its means of self-defence or independence, as by all the manufactures which supply material for arming or clothing its soldiers. But each individual of the nation is no less directly benefited by the naturalization of the arts within it. Instances without number could be cited in illustration of the last-quoted proposition of Mr. Hamilton. How insignificant as a burden seems now the

duty of three cents a pound, laid upon raw cotton in 1789 to create the domestic culture, which was regarded by the north as a "very serious impediment" to their rising manufactures. For seven years at least this duty was a protective duty. Thus in the words of Mr. Everett, "radicle and plumule, root and stalk, blossom and boll, the culture of the cotton plant in the United States was in its infancy the foster child of the protective system." Coming to the cotton manufacture, established also by the same system, we find that heavy sheetings were reduced by protection from 23.87 cents per yard, in 1825, to 12.09 cents in 1840, and 9.15 cents in 1855. Cotton hosiery was reduced from 25 cents a pair in 1860, to 12½ cents, the present price. The prices of jeans were instantly reduced by fabrication here, from 30 cents to 23 cents a yard. In 1860 the prices were 6½ cents. Previously to 1846 lawns were imported from England at 28 or 30 cents. In 1846 the foreign article was driven from our market, and American lawns were subsequently sold for 9 cents a yard. In the wool and cotton fabrics called delaines, of which nearly two yards are consumed for each individual of our population, the prices when imported were 30 to 50 cents a yard; the price for a better article now is less than 20 cents. The present prices of all the woollen cloths of general consumption are less than one-half of the prices of cloths worn thirty years ago. The cost of carpets to the public has been reduced more than 25 per centum through economies introduced here upon processes used abroad.

The shoe industry, forced into vigorous life by the very first tariff act, has expanded through continued protection into such proportions that its product in a single State is valued at over \$37,000,000. It is stated by experts that, although the continuance of duties is desirable to protect against the fluctuations and surpluses of foreign trade, the present tariff has actually no effect upon prices, which are regulated wholly by home consumption, no womens' shoes being imported and only a few French boots, to gratify caprice or fashion. It is, besides, asserted, that with the slow processes of tanning abroad, the necessity of relying almost exclusively upon chemicals to supply tanning, and with the want of mechanical appliances, all Europe could not supply us with boots and shoes at quadruple the price we pay at home. Similar facts are furnished by the metallurgical industries. Five-sixths of the stock in our hardware stores is of American manufacture. So superior are our implements of steel and iron that our forests could not be felled nor our cities built without American tools. Our tools, our steel, and our iron keep down English prices. It is admitted that the introduction of every American article to replace the foreign has had the effect of lowering the price of the latter, while it is capable of demonstration, that the destruction of American competition, by the free-trade tariffs, which from time to time have prostrated our iron manufactures, have added many millions to the cost of American railroads. That country only can consume manufactures abundantly which has the means of producing them at home. If the masses of the American people are the best fed, the best clothed, the best educated, and the most comfortable in their homes of any people on the face of the earth, it is due to the wisdom of our fathers who founded a system, in the main thus far preserved, which has elevated the prices of labor, stimulated ambition and a thirst for knowledge among the toiling millions, who elsewhere have no hopes or desires beyond their toil, which has fostered diversity of employment, which has at the same time cheapened prices and increased the capacity for purchasing, and which has brought production in this country to its highest power by preserving a profitable home market for all the products of a diversified domestic industry.

THE WAREHOUSING SYSTEM.

To preserve a profitable home market for all the products of a diversified domestic industry.—After the digressions and interludes in which the committee

have ventured to indulge, they here strike again the keynote with which this inquiry began ; the cardinal principle to which the committee owe their organization in this house ; a principle whose vitality to the prosperity of the country is the only justification that need be offered for this protracted discussion. To make a practical application of this principle is the remaining duty of the committee.

It is a matter of history that in the year 1846 a tariff policy was inaugurated, though since happily repudiated, whose fundamental idea was in direct antagonism to the principle above enunciated. It absolutely ignored the policy of protection. The very title of the act establishing it was "An act *reducing* the duties on imports." It went even further. It declared hostility against the domestic arts. "When," says the distinguished Secretary to whom this system owed its paternity, speaking of manufactures, "when will they cease to be infant?" It deemed even the suppression of manufactures justifiable for the purpose of promoting agriculture and preserving the sources of revenue from being dried up. The facilities afforded to foreigners in the admission of their goods, whether competing or not with our own, were to be direct boons to the people. Cheap goods were to be the all-sufficient compensation for the destruction of a diversified domestic industry. The memorable report made by Mr. Secretary Walker in 1848, in which this policy is justified, is sufficient evidence of the truth of these allegations. The tariff act, in which these principles were embodied, was passed on the 30th of July, 1846. Seven days afterwards, viz, on the 6th of August, 1846, a bill was passed entitled "An act to establish a warehousing system," and the substantial features of the present warehousing system, although modified in details by the act of March 28, 1854, and some subsequent provisions, was engrafted upon our commercial policy. Germs, or limited applications, of this system appear in previous laws, as in the tariff act of July 14, 1832, and in the tariff act of 1842 ; but the system was first made applicable to all our imports, and first became sensibly felt in its influence upon domestic industry through the act of 1846. This system, it is apparent from the date of the act establishing it, and the contemporaneous reports and debates in Congress, was designed to be the complement of the tariff policy of that period. It was conceived by the same scheming and speculative mind, and was inspired by the same idea of the superior claims of foreign commerce to domestic industry which gave birth to the contemporaneous free-trade tariff. The committee do not propose to exhibit the details of this system as it exists through the laws above referred to, and the voluminous treasury regulations founded thereon. To do so would only tend to render obscure the features of the system which they desire to make prominent. Neither do they propose to present detailed statements or evidence illustrative of the operation of the warehousing system as it exists in this country. Nothing less than a commission specially constituted for a searching examination of the system would furnish evidence in detail worthy of the consideration of this house. The committee will attempt nothing more than to present a general statement of the features of the system and of the objects contemplated by its founder, with such general conclusions as to the operation of the system as may be gathered from the operations of practical business men or result from the palpable and self-evident relations of the warehousing system to the business interests of the community. These conclusions, however, they hope, may be sufficiently obvious to justify such legislation as they may recommend.

The present warehousing system in this country was founded upon two leading ideas, and to effect two leading objects quite closely related to each other, both being based upon the superior claims of foreign commerce. The first object, whose advantages were most prominently urged by the visionary author of the system, was to make this country the rival of England as a centre for the distribution of the commerce of the world. For this purpose provision was made

that imported goods deposited in the public stores or private bonded warehouses might be re-exported without the payment of any duties thereon. This feature was borrowed from the warehouse system of England, established in 1803, and is perfectly suited to her general commercial policy as well as position. It is the object of England to supply the world with her own manufactures, By making her ports the principal centres of distribution of foreign products, and drawing to them the merchants of every country by the assurance of complete assortments of merchandise, she attracts purchasers for her own fabrics, and secures for her shipping interests at the same time the benefits of the carrying trade. Another object with England is to secure the first selection of raw material for her manufactures. The power of selecting from her public stores the choice sorts of all the wool thrown upon general commerce, which is distributed through her warehouses, gives her the principal advantage which she now enjoys in the woollen manufacture, and secures for her the monopoly of certain fabrics, as of mohair and alpaca. The same is true of cotton. Her main advantage over other manufacturing nations of Europe is her facilities for selecting, as she pleases, the best or the cheapest fibre. Through this system the exports of British produce and manufactures rose from \$194,000,000 in 1817 to \$804,000,000 in 1865, while the foreign exports of Great Britain rose from \$53,000,000 in 1817 to \$267,000,000 in 1865; the exports of foreign and of home products thus going hand in hand and increasing together.

It might have been foreseen that this system could have no application here, and that the position and condition of this country render it impossible that it should become a centre of universal commerce. Experience has shown that the facilities for re-exportation supplied by our warehousing system furnish an argument for continuing it too trivial to be worthy of any consideration. In 1850 the warehouses were fully established in this country. The exports from them for that year amounted to \$5,000,000. In 1860 the foreign goods re-exported from them amounted to \$6,500,000, a gain of 30 per cent. in 10 years. Our total exports, foreign and domestic, in 1866 amounted to \$550,000,000. The exports from our bonded warehouses for that year did not exceed \$8,000,000; not two per cent. of our whole exports. The committee are unable to present the exact figures of the yearly exports from our warehouses, but the estimates of persons the best informed do not place the amount above \$9,000,000. It would be difficult to conceive of any benefit which the country derives from the mere transit of merchandise represented by this comparatively trivial value, at all corresponding to the vast cost of structures and officials making up the ponderous and expensive machinery of the warehouse system. And yet the advantages which would flow to the country from what experience has shown to be the impracticable scheme of making it the entrepot of a universal commerce, was the principal ostensible reason for the primary establishment of the system.

A second object contemplated in the founding of the system, less openly announced, but which, from the sentiments of its author and his adherents, we cannot doubt to have been any less deliberately contemplated, was the affording of facilities to foreigners to command our markets. Whatever may have been the original purpose, this is the principal consideration for which the system is now upheld. The operation of the system upon our commerce, and conversely upon our domestic industry, next demands attention. The warehousing act of 1846 plausibly declares in its first section that the duties on all imported goods shall thereafter be paid in cash, bonds for the payment of duties having been allowed under the former tariff and custom-house laws. A proviso then follows, authorizing the importer to make entry for warehousing in the public stores of the goods upon which the duties are not paid. The effect of this law and its supplements and amendments is that at present the importer, instead of paying duties or giving a bond for the same upon the entry of the goods, may elect to place them in public or private bonded warehouses, where they may remain

three years without payment of the duties or interest upon the duties, and subject only to an additional charge of 10 per cent. upon the duties if they remain more than one year, the duties being payable only upon the withdrawal of the goods for consumption.

In considering the operation of these provisions, the first point of inquiry with the committee has been to ascertain the values of foreign merchandise entered for cash payment of duties, and going into warehouse respectively. The statements obtained from New York show that in 1867 there were—

Entered and duties paid	\$127, 541, 016
Entered and warehoused	110, 756, 939

or 46½ per cent. of the whole.

For the first three months of 1868 the values were for the first quarter as follows :

Entered and duties paid	\$30, 241, 403
Entered and warehoused	28, 337, 459

or 51 per cent. of the whole.

In Philadelphia the proportions from April, 1867, to April, 1868, inclusive, 13 months, were as follows :

Entered and duties paid	\$7, 538, 452
Entered for warehouse	9, 851, 828

From the above it will be seen that about half of all the goods imported are entered for warehousing. The next inquiry is as to the proportion of goods *remaining* in warehouse. The report of the Bureau of Statistics of February 29, 1867, gives the following :

Recapitulation of total value of commodities remaining in warehouses of the United States at the close of each month since January 1, 1867.

Month ended.	In warehouse at end of each month.
January 31, 1867	\$44, 014, 122
February 28	41, 949, 643
March 31	34, 112, 019
April 30	41, 821, 322
May 31	43, 766, 650
June 30	47, 900, 393
July 31	48, 460, 802
August 31	48, 327, 788
September 30	43, 289, 357
October 31	41, 826, 695
November 30	39, 186, 695
December 31	38, 910, 049

It appears from this statement that during the year 1868 there was an average value of \$42,963,794 of imported commodities constantly remaining in warehouse. The amount of duties payable on these goods may be inferred from the following statement of the value of merchandise remaining in warehouse, and the duties payable thereon at the dates mentioned :

	In warehouse.	Duties chargeable.
April 30, 1867	\$26, 802, 553	\$13, 400, 000
July 1, 1867	32, 021, 303	16, 000, 000
January 1, 1868	31, 491, 324	15, 250, 000

The duties chargeable thus appear to be fully 50 per cent. upon the values remaining in warehouse.

A third point of inquiry is as to the character of the commodities remaining

in warehouse; what proportion of them compete directly with our domestic products, or such as are capable of being advantageously produced in the United States?

A statement is furnished by the Bureau of Statistics of the declared quantities and values of the principal articles remaining in warehouse on the 31st of January, 1868, the total value of the goods classified being \$32,251,420, about seven millions not being enumerated. A careful analysis of this statement by the committee shows that the value of all the articles enumerated not produced here, and not competing with our own products, such as coffee, cocoa, spices, fruits, teas, and sugar and molasses, although the inclusion of the latter, amounting to over four millions, is of doubtful propriety, was \$15,740,045. The value of the competing articles, such as iron, wool, textile manufactures, &c., was \$16,511,375, the textile manufactures alone amounting to nearly ten millions. If the non-enumerated goods are distributed in the above proportions it may be fairly estimated that there is a perpetual reserve of more than twenty millions in value of competing goods.

The above are all the precise facts and figures illustrative of the operation of our warehousing laws which the committee can command; and in the absence of means for obtaining more positive evidence, they must confine themselves to a consideration of the obvious objections to the system which may be deduced from these facts and figures, and to some of the general objections which they find prevailing in business communities. The first fact which strikes us in the preceding statements, is the circumstance that cash duties are paid on arrival upon only half of all our imports. This fact is intimately connected with the fact that the business of importation in our principal commercial city is mainly in foreign hands. It is stated by the well-informed author of the "Tariff Question" that "nearly sixty-five per cent. of all our imports, and more than eighty per cent. of imported dry goods, come to the port of New York. The latter branch of business is well known to be largely in the hands of foreigners, or of those who are connected with foreign houses." A member of the recent revenue commission makes the following fearless statement in an official report: "Our shipping has so diminished that goods come to us in foreign vessels, and of course the shipping, freight, &c., is all under foreign measurement and control when landed here. The trade for many years has been taking a shape which has now grown to formidable dimensions. The factories, workshops, and the workmen are in Europe, the warehouse is in New York. Goods intended for the warehouse are invoiced at the factory cost, and are entered at our custom-house at that price, the duties are largely diminished, and the evil of competition with cheap labor increased. This mischief, of thus harboring a class of men whose business it is to debauch or mislead our officers, to rob us of our revenue, and injure our domestic industry, is so apparent that they should long since have found a remedy. These foreign agents co-operate constantly for the evasion of our revenue laws. They pay inadequate taxes, they render no military service, they pay very little rent, their sympathies are all on the other side, and their business is to nullify laws pertaining to our commerce and our industry. There is no redeeming benefit to reconcile us to their presence and operations. If they realize fortunes here, their money, instead of going to increase capital or aid enterprise here, is carried to Europe to swell the volume of capital there, which is employed in overwhelming our rising industry. No country in the world is afflicted with such a multitude of commercial parasites." The conviction is irresistibly forced upon the committee that we owe it mainly to the warehousing system that the American importers, who made the name of merchant honorable, have been to a great extent driven from the field, and that the business of importing foreign manufactured goods has mainly become a mere shipment of products from the factory abroad to agents here of the class above described, who sell the goods for commission and send the proceeds to the

foreign owner. Our system gives the utmost facilities for the operations of these agents. The goods are stored in warehouses furnished by the government at merely nominal rents, certainly much less than are paid by the holders of American goods. The duties are not payable until the goods are withdrawn, and ample time is given for selling them by sample, the mode usually employed, and practically are generally paid out of the proceeds realized from the sale. Thus little capital is required for this business, the greater part, as will be hereafter shown, being in reality supplied by the government. The genuine importer cannot compete with one who is really only a consignee, and who has facilities for collusion with his principal in representing nominal values in the invoices of the goods—invoices which are shown to be frequently fictitious and fraudulent by the well-known fact that the goods can rarely be purchased abroad by outside parties at the values stated. A palpable evil of this direction of our import trade through foreign channels is such a systematic evasion of our revenue laws as would be scorned by our own regular merchants. Another evil is that freights are diverted from American shipping, the decline of our navigation interests being largely due to this influence; and a still greater evil is, that the concentration of the agents of foreign firms and companies in New York gives the foreign interest the control of prices there, and, of course, in a large degree, of the whole country, and places our home industry in the power of those who are interested to prostrate it altogether. The power which foreigners derive from the warehousing system of depressing American industry, is a consideration which demands the most serious attention of legislators. It is well known that a few hundred thousand dollars' worth of goods may be so sold as to affect the prices not only of corresponding goods in one city, but in the whole country, so that they may inflict a loss ten times as great as the whole amount of the sales. So great is commercial sensitiveness in respect to prices, that the arrival even of unusual quantities of goods affects prices before they are sold. Under the warehousing system a reservoir of goods is accumulated, to be poured upon the market at the first sign of improved prices in our domestic products. They are held by their foreign keepers

— like greyhounds in the leash,
Straining upon the start,

to be let loose upon our home manufacturers, whose fate it is to be hunted like hares in their own thickets. If there is a rise in prices in New York, the first advantage is taken by the foreign agent, who lies in wait in the ambush which the confiding government has built for his sally point. The only defence which our manufacturers have is to place *their* stores and commission houses also in New York, thus adding only a further burden of rents and commissions to the weight under which they are suffering. If the opinions of practical men are to be relied upon, it is impossible to overestimate the evils inflicted upon our home trade and production by this policy, which is not merely one of favor to the foreigner, but of positive hostility to our own industry. The figures themselves are more eloquent than words to depict this evil. *Forty-three million dollars'* worth of imported goods all the time in warehouse! This stupendous mass of merchandise is perpetually impending over our domestic trade and production, and the keys of the locks and chains which arrest its fall are in foreign and hostile hands!

It may be said that a part only of the warehoused goods compete with domestic products, while the other part, consisting of commodities not produced here, are indispensable for our consumption, and that the facilities of the warehouse encourage a trade essential for our necessities. To the first part of this objection it may be answered that the competing goods comprise the larger part of the value of the warehoused merchandise, and the evils resulting from the perpetual reserve of more than \$20,000,000 of competing goods are in no respect balanced by the benefits which consumers derive from the warehousing

of non-competing goods. The importation of these goods is also to a great extent in foreign hands. But the non-competing goods, such as coffee, teas, sugar, &c., do not need to be forced upon our market. As the committee have before shown in speaking of our trade with the non-manufacturing nations, these goods come to us by a natural and regular exchange. The warehousing facilities do not add a million dollars' worth to the trade. It is governed by a regular and permanent demand. These goods do not displace any of our own products, and the trade requires no favors to enable it to encounter competition. If it is desired that the non-competing goods should be furnished more cheaply to consumers, let our government reduce the duties directly, and not attempt to diminish prices by a system which injures the great body of consumers who depend upon the prosperity of American industry. It is believed that consumers and regular importers of non-competing foreign goods derive but little benefit from the warehousing system. The committee are informed that the large manufacturing establishments who import and consume large quantities of foreign products, such as dyes, chemicals, and raw material, rarely make use of the bonded warehouse. Those who have allowed imported wool to go into warehouse admit that they have derived no advantages from this course.

Again, legitimate importing merchants, instead of being benefited, are actually injured by this system. It is asserted by those well informed in this matter, that foreign manufacturers not unfrequently take advantage of orders sent to them by American merchants to ascertain the wants of our markets. While supplying the orders of the regular merchant they at the same time place duplicate supplies of similar goods, which they have ascertained through the orders received to be in demand here, in our warehouses, to be disposed of by their agents, who pay neither rents nor taxes, and consequently can undersell the regular importer who originally ordered the goods.

It results from these views that the warehousing system is continued, mainly, if not exclusively, for the benefit of foreign exporters of goods which compete directly with the products of American industry. This system does not simply permit this competition with American productions, it invites and promotes it, and actually supplies a large part of the capital by which this competition is sustained. The committee have already shown that the average value of goods remaining in warehouse is between forty and fifty millions, upon which the average unpaid duty is fully 50 per cent. It is palpable, then, that the government is supplying all the time to importers, most of whom are foreigners, a capital equal to from twenty to twenty-five millions of dollars in gold, without interest, the greater part of which is used to prostrate our own industry. To be exact, the interest gratuitously surrendered for the year 1867, being six per cent. upon one-half of the average value in warehouse, the average unpaid duties being 50 per cent., was \$1,268,913. It is inconceivable that the commercial delusions which permit a policy so suicidal and so opposed to the instincts of self-preservation, which rule in nations as well as in individuals, can long prevail. The country has deliberately adopted the protective policy, and will not knowingly permit it to be neutralized by commercial evasions. Having fortified and manned the strong points of its industrial defences, it must close the postern which still permits hostile approach. The committee do not hesitate to express their convictions that the warehousing system must eventually be abolished or radically reformed. But the heroic practice cannot be always safely applied to national maladies. The committee do not propose at present any change which will violently disturb existing business arrangements or official machinery. For this reason they have avoided any reference to the enormous and unwarranted expense of the warehouse system, or the corruptions and frauds connected with the private bonded warehouses. The measures which they recommend are simply in the *direction* of reform, and at the same time conducive to the interests of the revenue.

The first section in the bill is designed to impose some restraint upon the quantity of goods entering the warehouses, by compelling the foreign exporter to designate the purpose for which the goods are entered, whether for exportation or consumption. At present our business communities have no means of knowing whether the goods in warehouse are impending over their own markets, or are merely in transit to other ports. The greater security which will be given to our home markets, by compelling the designation proposed is, in the opinion of the committee, a sufficient recommendation for the provisions of this section.

The second section provides that upon the withdrawal from warehouse of merchandise for consumption there shall be paid, in addition to the duties and charges, interest upon the amount of the duties on such merchandise from the time of entry until the withdrawal of the same for consumption. The remaining sections provide for regulations to carry the act into effect. The committee are unable to conceive of any objection to the requirement of interest upon the duties which can arise, except those founded upon a deliberate purpose to favor foreign interests, which purpose they have shown to be totally inconsistent with the protective objects of our existing tariff laws. If the requirement of interest should check the importation of competing goods, while the non-competing goods would come to us as abundantly as before, our domestic industry will be benefited. If it fails to do this the government will be the gainer of nearly a million and a half dollars in revenue, which it now loses. This boon to foreign commerce was obtained collusively and given unwittingly. When the warehousing laws were passed, Congress could not have conceived that their effect would be to furnish gratuitously a capital of over \$20,000,000 to foreign exporters. The bald proposition to give a million and a half of dollars annually to alien interests could not have been entertained a moment. The necessities of the government, and the present stern demands of the people for the most rigid economy, require that this thoughtless and unwise concession should be revoked. The people will not submit to the imposition of a direct tax of a million and a half of dollars upon their industry, when this amount can be obtained from foreigners, without the slightest injury to any of our own interests, and in entire accordance with legislative precedents. In our former partial applications of the warehousing system, interest was always required upon the duties unpaid upon the withdrawal for consumption. A notable instance occurs in the compromise tariff act of 1832, reported from the Committee on Manufactures by Mr. Adams. When this bill was under consideration in committee the warehousing principle was applied to woollen manufactures as a concession to the South, Mr. Adams having also included wool as a corresponding advantage to northern manufacturers. It appears from the elaborate report of Mr. Adams accompanying the bill, which subsequently became a law, that the question of relinquishing the interest upon the duties upon wool and woollens going into the public stores was not raised, and the act of 1832 required the payment of interest upon the duties in the manner at present recommended. In conformity with the above considerations the committee report the accompanying bill.

A BILL to modify the warehousing system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the entry of any goods, wares, or merchandise for warehousing, the owner, importer, consignee, or agent of such goods, wares, or merchandise shall make a declaration in writing, verified by oath or affirmation, signifying whether such goods, wares, or merchandise are

entered for consumption or exportation, and such declaration shall be obligatory upon the party entering such goods.

SEC. 2. *And be it further enacted*, That upon the withdrawal of any goods, wares, or merchandise for consumption, there shall be paid by the owner, importer, consignee, or agent of such goods, wares, or merchandise, in addition to the proper duties and charges, interest, at the rate of six per centum per annum, upon the whole amount of the duties upon such goods, wares, or merchandise, from the time of the entry of such goods for warehousing until the withdrawal of the same for consumption. Such interest to be paid in the same denomination as duties are payable.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and instructed to make such rules and regulations, not inconsistent with law, to carry into effect this act.

SEC. 4. *And be it further enacted*, That so much of all laws as are inconsistent with the provisions of this act be, and they are hereby, repealed.

H. Rep. Com. 67—3.

APPENDIX.

Statement of the value of our principal exports to the United Kingdom of Great Britain, as compared with that of similar exports to other countries on the eastern hemisphere and to all countries on the western hemisphere, in each year from 1846 to 1860. Compiled from the reports of the Secretary of the Treasury on Commerce and Navigation for the same years.

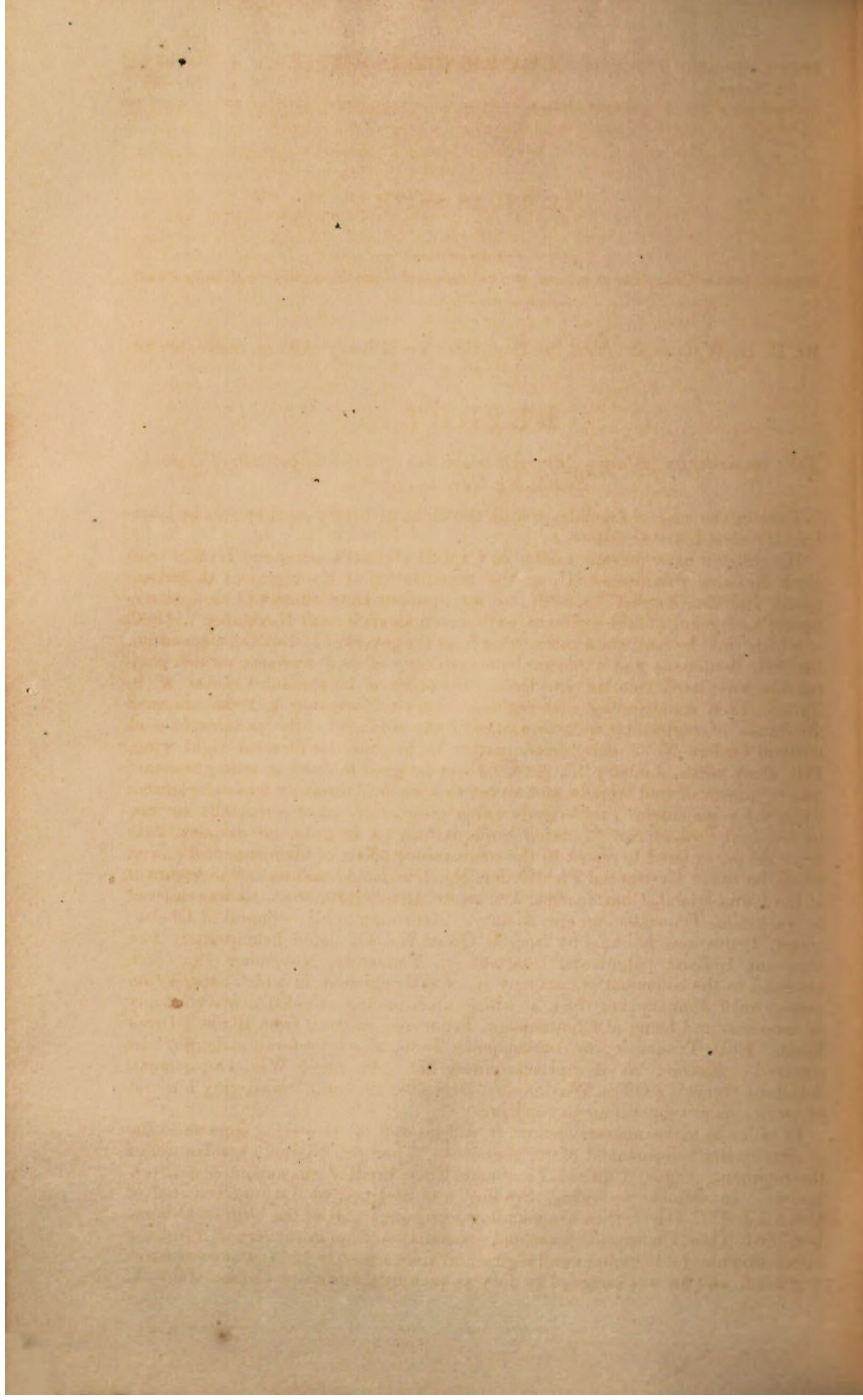
Exports.	1846.	1847.	1848.	1849.	1850.	1861.	1852.
Products of the sea:							
To the United Kingdom of Great Britain.....	\$681,402	\$852,290	\$286,801	\$843,053	\$1,069,783	\$1,320,522	\$966,001
To other countries on the eastern hemisphere	1,394,452	1,460,365	667,515	888,447	866,340	1,124,058	579,683
To countries on the western hemisphere	1,377,544	1,155,378	1,026,647	816,154	888,695	855,111	736,658
Total.....	3,453,398	3,468,033	1,980,963	2,547,654	2,824,818	3,294,691	2,282,342
Products of the forest:							
To the United Kingdom of Great Britain.....	2,206,583	1,601,145	1,576,291	1,675,766	2,063,635	2,004,246	2,016,386
To other countries on the eastern hemisphere	1,740,668	1,399,206	1,736,491	1,544,812	2,219,664	2,473,671	2,222,516
To countries on the western hemisphere	2,859,997	2,995,722	3,746,302	2,697,416	3,159,204	3,369,105	3,625,318
Total.....	6,807,248	5,996,073	7,059,084	5,917,994	7,442,503	7,847,022	7,861,220
Provisions—Beef, tallow, hides, horned cattle, pork, hams and bacon, lard, hogs, butter, and cheese:							
To the United Kingdom of Great Britain.....	2,653,642	5,950,849	6,911,302	8,974,667	6,025,016	3,124,908	2,190,054
To other countries on the eastern hemisphere	704,193	1,223,165	1,097,699	499,369	837,969	289,259	225,808
To countries on the western hemisphere	4,063,344	3,632,601	4,261,280	3,484,964	3,508,373	3,768,467	3,629,428
Total.....	7,421,179	10,806,615	12,270,281	12,959,000	10,371,358	7,182,625	6,045,290
Breadstuffs—Wheat, flour, Indian corn, Indian meal, rye meal, rye, oats, and other small grain and pulse:							
To the United Kingdom of Great Britain.....	7,372,945	36,494,694	12,358,374	14,167,191	5,695,726	6,620,406	9,540,167
To other countries on the eastern hemisphere	766,805	7,061,990	791,121	256,451	204,389	177,234	836,805
To countries on the western hemisphere	8,118,969	9,149,487	8,910,011	8,107,823	6,832,271	7,404,310	6,560,932
Total.....	16,258,719	52,706,171	22,059,506	22,531,465	12,732,386	14,201,950	16,937,904
Vegetables and fruit:							
To the United Kingdom of Great Britain.....	20,132	43,860	17,445	36,208	5,301	33,657	8,292
To other countries on the eastern hemisphere	5,000	3,928	7,680	7,801	2,503	3,849	1,047
To countries on the western hemisphere	114,055	154,235	150,096	133,208	116,503	113,175	149,417
Total.....	139,187	202,023	175,221	177,217	124,307	150,681	158,756

Rice :									
To the United Kingdom of Great Britain	398, 565	1, 222, 232	406, 469	544, 385	562, 585	308, 238	310, 886		
To other countries on the eastern hemisphere	1, 288, 179	1, 414, 951	869, 982	1, 110, 551	1, 260, 615	911, 069	1, 039, 437		
To countries on the western hemisphere	878, 247	968, 713	1, 055, 373	914, 426	808, 357	951, 620	1, 120, 706		
Total	2, 564, 991	3, 605, 896	2, 331, 824	2, 569, 362	2, 631, 557	2, 170, 927	2, 471, 029		
Tobacco :									
To the United Kingdom of Great Britain	2, 423, 223	2, 583, 775	2, 260, 937	1, 771, 123	3, 025, 585	3, 458, 885	2, 512, 225		
To other countries on the eastern hemisphere	5, 827, 487	4, 438, 286	5, 072, 065	3, 664, 571	6, 636, 129	5, 287, 760	7, 123, 364		
To countries on the western hemisphere	227, 560	220, 025	218, 120	368, 513	289, 309	472, 606	395, 694		
Total	8, 478, 270	7, 242, 086	7, 551, 122	5, 804, 207	9, 951, 023	9, 219, 251	10, 031, 283		
Other produce of the soil :									
To the United Kingdom of Great Britain	1, 105, 256	756, 054	391, 294	373, 321	390, 555	398, 676	470, 496		
To other countries on the eastern hemisphere	260, 187	340, 725	221, 859	185, 434	223, 415	273, 640	339, 642		
To countries on the western hemisphere	1, 322, 684	1, 232, 175	1, 305, 503	967, 385	1, 027, 244	1, 428, 391	1, 591, 522		
Total	2, 688, 127	2, 328, 954	1, 918, 656	1, 526, 140	1, 641, 214	2, 100, 707	2, 311, 660		
Summary, exclusive of cotton :									
To the United Kingdom of Great Britain	16, 861, 748	49, 504, 899	24, 208, 913	28, 385, 714	18, 838, 186	17, 269, 538	18, 014, 507		
To other countries on the eastern hemisphere	11, 986, 971	17, 342, 616	10, 464, 412	8, 157, 436	12, 251, 024	10, 540, 531	12, 368, 302		
To countries on the western hemisphere	18, 962, 400	19, 508, 336	20, 673, 332	17, 489, 889	16, 629, 956	18, 357, 785	17, 719, 675		
Total	47, 811, 119	86, 355, 851	55, 346, 657	54, 033, 039	47, 719, 166	46, 167, 854	48, 102, 484		
Cotton :									
To the United Kingdom of Great Britain	27, 707, 717	35, 841, 265	41, 925, 258	47, 444, 899	48, 884, 453	79, 720, 854	59, 666, 209		
To other countries on the eastern hemisphere	13, 961, 541	17, 180, 571	19, 747, 714	18, 646, 036	22, 919, 163	32, 470, 495	27, 722, 328		
To countries on the western hemisphere	1, 098, 083	394, 012	325, 322	306, 032	181, 000	123, 968	577, 195		
Total	42, 767, 341	53, 415, 848	61, 998, 294	66, 396, 967	71, 984, 616	112, 315, 317	87, 965, 732		
Grand summary, including cotton :									
To the United Kingdom of Great Britain	44, 569, 465	85, 346, 164	66, 134, 171	75, 830, 613	67, 722, 639	96, 990, 392	77, 680, 716		
To countries on the eastern hemisphere	25, 948, 512	34, 523, 187	30, 212, 126	26, 803, 472	35, 170, 187	43, 011, 026	40, 090, 630		
To countries on the western hemisphere	20, 063, 483	19, 902, 348	20, 998, 654	17, 795, 921	16, 810, 956	18, 481, 753	18, 296, 870		
Total	90, 578, 460	139, 771, 699	117, 344, 951	120, 430, 006	119, 703, 782	158, 483, 171	136, 068, 216		

Statement of the value of our principal imports to the United Kingdom of Great Britain—Continued.

Exports.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.
Products of the sea:								
To the United Kingdom of Great Britain	\$1,691,695	\$1,352,155	\$1,851,277	\$1,256,925	\$1,436,438	\$1,334,302	\$2,212,393	\$1,994,798
To other countries on the eastern hemisphere.....	843,727	758,850	845,866	1,034,972	1,229,251	1,274,814	1,161,203	1,008,509
To countries on the western hemisphere.....	743,991	933,296	819,751	1,064,900	1,073,955	941,179	1,089,378	1,153,173
Total.....	3,279,413	3,044,301	3,516,894	3,356,797	3,739,644	3,550,295	4,462,974	4,156,480
Products of the forest:								
To the United Kingdom of Great Britain.....	2,212,358	2,955,783	2,392,301	2,292,414	2,990,687	2,526,451	3,909,924	3,497,612
To other countries on the eastern hemisphere.....	2,078,935	2,210,255	3,609,414	2,976,426	3,996,909	4,190,614	4,084,356	4,293,204
To countries on the western hemisphere.....	3,623,966	6,480,533	6,602,192	5,425,344	7,712,115	6,758,606	6,495,126	5,947,743
Total.....	7,915,259	11,646,571	12,603,837	10,694,184	14,699,711	13,475,671	14,489,406	13,738,559
Provisions—Beef, tallow, hides, horned cattle, pork, hams and bacon, lard, hogs, butter, and cheese:								
To the United Kingdom of Great Britain.....	3,813,563	8,471,668	8,384,066	7,112,639	7,709,379	4,983,801	3,910,539	8,482,464
To other countries on the eastern hemisphere.....	962,212	974,857	2,692,173	2,936,630	1,329,511	952,141	508,015	1,140,059
To countries on the western hemisphere.....	4,503,446	5,629,906	5,863,298	7,236,424	7,288,987	9,789,451	10,185,932	9,778,130
Total.....	9,279,221	15,076,431	16,939,537	17,285,693	16,327,877	15,725,393	14,604,486	19,400,653
Breadstuffs—Wheat, flour, Indian corn, Indian meal, rye meal, rye, oats, and other small grain and pulse:								
To the United Kingdom of Great Britain.....	11,848,787	28,162,705	7,823,195	24,589,318	26,529,052	13,523,600	2,766,059	6,339,315
To other countries on the eastern hemisphere.....	1,594,533	9,406,526	1,457,610	14,303,817	10,881,418	3,228,321	1,856,303	2,194,444
To countries on the western hemisphere.....	7,978,538	10,318,536	11,619,266	17,229,110	17,651,096	16,474,197	16,219,749	15,409,811
Total.....	21,421,858	47,887,767	20,900,071	56,122,245	55,061,566	33,226,118	20,842,111	23,943,570
Vegetables and fruit:								
To the United Kingdom of Great Britain.....	59,252	8,073	35,071	14,015	32,605	4,653	31,667	28,680
To other countries on the eastern hemisphere.....	3,430	18,025	80,753	8,610	46,683	25,122	10,864	21,043
To countries on the western hemisphere.....	197,170	147,348	259,731	358,062	338,656	326,005	442,052	550,866
Total.....	259,852	173,446	375,555	380,687	417,944	355,780	484,583	600,589
Rice:								
To the United Kingdom of Great Britain	294,793	385,334	115,271	229,807	358,665	222,255	265,426	346,756
To other countries on the eastern hemisphere.....	332,109	919,337	275,396	955,485	643,335	578,192	547,815	732,823
To countries on the western hemisphere	1,030,756	1,329,456	1,327,286	1,204,941	1,288,400	1,070,131	1,393,907	1,487,820
Total	1,657,658	2,634,127	1,717,953	2,390,233	2,290,400	1,870,578	2,207,148	2,567,399

Tobacco :									
To the United Kingdom of Great Britain.....	3, 438, 423	2, 146, 942	3, 507, 760	2, 681, 357	4, 855, 399	4, 004, 642	5, 421, 398	4, 664, 042	
To other countries on the eastern hemisphere.....	7, 599, 952	7, 502, 100	10, 736, 656	9, 015, 120	14, 750, 332	12, 319, 578	14, 960, 362	10, 806, 671	
To countries on the western hemisphere	280, 944	367, 004	468, 052	525, 366	655, 041	685, 547	692, 278	435, 834	
Total	11, 319, 319	10, 016, 046	14, 712, 468	12, 221, 843	20, 260, 772	17, 009, 767	21, 074, 038	15, 906, 547	
Other produce of the soil :									
To the United Kingdom of Great Britain.....	488, 894	852, 694	1, 634, 622	352, 568	656, 435	910, 778	962, 415	993, 040	
To other countries on the eastern hemisphere.....	486, 090	545, 063	976, 481	638, 526	620, 721	685, 772	876, 925	755, 967	
To countries on the western hemisphere	1, 705, 264	2, 333, 067	2, 396, 574	2, 504, 962	2, 450, 658	2, 782, 040	3, 099, 411	2, 569, 994	
Total	2, 680, 248	3, 730, 824	5, 007, 677	3, 496, 056	3, 727, 814	4, 378, 590	4, 938, 751	4, 319, 001	
Summary, exclusive of cotton :									
To the United Kingdom of Great Britain.....	23, 847, 765	44, 335, 354	25, 743, 563	38, 529, 043	44, 568, 660	23, 500, 482	19, 479, 821	26, 346, 707	
To other countries on the eastern hemisphere	13, 900, 988	22, 335, 013	20, 674, 349	31, 869, 586	33, 498, 160	27, 254, 554	24, 005, 843	20, 952, 720	
To countries on the western hemisphere	20, 064, 075	27, 539, 146	29, 356, 080	35, 549, 109	38, 458, 908	38, 837, 156	39, 617, 833	37, 333, 371	
Total	57, 812, 828	94, 209, 513	75, 773, 992	105, 947, 738	116, 525, 728	89, 592, 192	83, 103, 497	84, 632, 798	
Cotton :									
To the United Kingdom of Great Britain.....	74, 523, 210	64, 736, 401	57, 616, 749	85, 179, 143	85, 088, 628	90, 249, 017	108, 726, 783	134, 928, 780	
To other countries on the eastern hemisphere.....	34, 075, 135	27, 572, 648	29, 694, 800	42, 189, 334	45, 474, 596	40, 046, 875	51, 759, 921	55, 657, 092	
To countries on the western hemisphere	858, 059	1, 287, 171	832, 295	1, 013, 874	1, 012, 635	1, 090, 769	948, 219	1, 220, 683	
Total	109, 456, 404	93, 596, 220	88, 143, 844	128, 382, 351	131, 575, 859	131, 386, 661	161, 434, 923	191, 806, 555	
Grand summary, including cotton :									
To the United Kingdom of Great Britain	98, 370, 975	109, 071, 755	83, 360, 312	123, 708, 186	129, 657, 288	113, 749, 499	128, 206, 604	161, 275, 487	
To countries on the eastern hemisphere.....	47, 976, 123	49, 907, 661	50, 369, 149	74, 058, 920	78, 972, 756	67, 301, 429	75, 765, 764	76, 609, 812	
To countries on the western hemisphere	20, 922, 134	28, 826, 317	30, 188, 375	36, 562, 983	39, 471, 543	39, 927, 925	40, 566, 052	38, 554, 054	
Total	167, 269, 232	187, 805, 733	163, 917, 836	234, 330, 089	248, 101, 587	220, 978, 853	244, 538, 420	276, 439, 353	



LEONIDAS SMITH.

JUNE 26, 1868.—Ordered to be printed, and recommitted to the Committee on Military Affairs.

Mr. H. D. WASHBURN, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the petition of Leonidas Smith, beg leave to report :

That in the case of Leonidas Smith the facts, as briefly as they can be intelligently stated, are as follows :

He enlisted as a private soldier in Captain Jewett's company H, 22d regiment Indiana volunteers. Upon the organization of the regiment at Indianapolis, Indiana, August 15, 1861, he was appointed and mustered in as quartermaster's sergeant of said regiment, and served as such until November 1, 1862, at which time he received a commission from the governor of Indiana appointing him first lieutenant and regimental quartermaster of said regiment, which commission was dated October 29, 1862. By order of Lieutenant Colonel T. B. Tanner, then commanding said regiment, he, on November 2, 1862, assumed the duties of regimental quartermaster of the regiment. By paragraph 4 of General Orders No. 2, dated headquarters 1st brigade, 1st division, right wing, 14th army corps, January 13, 1863, he was assigned to duty as acting assistant quartermaster of said brigade, and served as such until the army was reorganized, when the regiments of said brigade being assigned to other commands he was, by General Orders No. 53, dated headquarters 1st brigade, 1st division, 20th army corps, ordered to report to the commanding officer of his regiment for duty, which he did. By Special Field Orders No. 290, dated headquarters department of the Cumberland, Chattanooga, Tennessee, October 30, 1863, he was ordered to Nashville, Tennessee, on special duty. Returning to his regiment at Chattanooga, Tennessee, he was, by Special Order No. 41, dated headquarters 22d regiment Indiana volunteers, Chattanooga, Tennessee, November 19, 1863, assigned to the command of company K, of said regiment, in which capacity he served until January 26, 1864, at which time, having re-enlisted his company as veterans, and being at Chattanooga, Tennessee, *en route* from Blaine's Cross Roads, East Tennessee, to Indianapolis, Indiana, on "veteran furlough," he received "Extract 20 of Special Orders No. 562, dated War Department, Adjutant General's Office, Washington, December 19, 1863," mustering him out of service as a "supernumerary officer."

In order to make matters clearer, it will be well to state some facts as to the quartermaster's department of his regiment. Upon the original organization of the regiment, August 15, 1861, Lieutenant Emor Bradley was appointed quartermaster. In October following, Bradley was assigned to duty on the staff of Colonel Jeff. C. Davis, then commanding a brigade. About the 10th of December, 1861, Thos. Underwood presented a commission from the governor of Indiana appointing him 1st lieutenant and regimental quartermaster 22d Indiana volunteer regiment, and he was assigned to duty as such by Lieutenant Colonel John A.

Hendricks, then commanding said regiment. About March 1, 1863, Underwood was *cashiered*. In June following he was restored to duty by General Halleck. In July following he obtained leave of absence, and in August following, under the provisions of a general order issued by General Grant, (in whose department said regiment was then serving,) he was dropped from the rolls of the regiment, he being absent without leave. It was supposed by the officers of the regiment, as well as by the governor of Indiana, that a vacancy for quartermaster existed in the regiment, and in October, 1862, Mr. Smith, being recommended by the officers of the regiment, was commissioned to fill that vacancy, as before stated, and he was mustered into service as an officer by Captain J. H. Young, 15th infantry, United States army, to date November 1, 1862. In March, 1863, Ex-Lieutenant Underwood returned to the regiment and reported to Colonel M. Gooding for duty, who, having dropped him from the rolls of the regiment, as before stated, now refused to recognize him as an officer. He then applied for a court of inquiry, which, when organized under order of General Jeff. C. Davis, recommended him to be restored to duty, which recommendation General Davis, by special order, complied with. Underwood did not enter upon duty, but tendered his resignation, which was accepted. In July, 1863, Lieutenant Emor Bradley, before mentioned, presented an order from Brigadier General Davis, commanding division, ordering him to report to the commanding officer of his regiment for duty, and he was, by Colonel Gooding, commanding said regiment, assigned to duty as regimental quartermaster, the name of Leonidas Smith being transferred from the staff rolls of the regiment to the rolls of company K (there being a vacancy for 1st lieutenant in said company) by Colonel Gooding, and said Bradley's name was substituted for Smith's on the regimental staff rolls. The mustering officers (commissaries of muster) of the 20th army corps, and of the 1st division 20th army corps, made an examination of the rolls of the regiment about this time, and at the conclusion thereof recommended that the pay of Colonel Gooding and Mr. Smith be stopped, which was done by order of General McCook, and afterwards by the Quartermaster General. They had been paid to February 28, 1863. Smith has never been paid since, or for any other service, it being refused by the pay department because he was a "supernumerary officer." He was thus deprived of 10 months and 26 day's pay as a 1st lieutenant, during all which time he was on duty as an officer of that rank, and was recognized as such. The most obvious justice demands that he shall be paid for said service. He is shown to have been a faithful and worthy soldier and officer. The committee, therefore, unanimously recommend the passage of the accompanying bill for his relief.

L. MERCHANT AND PETER ROSECRANTZ.

[To accompany bill H. R. No. 1320.]

JUNE 27, 1868.—Ordered to be printed.

Mr. W. B. WASHBURN, from the Committee of Claims, made the following

R E P O R T.

The Committee of Claims, to whom was referred the memorial and evidence of L. Merchant and Company and Peter Rosecrantz, make the following report :

Claimants were natives and citizens of the State of Rhode Island previous to the late rebellion, but doing mercantile business at Mobile, Alabama, where their principal possessions were; and to protect their property until it could be disposed of they were obliged to remain in Mobile, after the secession of the State of Alabama, with the so-called southern confederacy. In disposing of their stocks of merchandise they received cotton in payment almost exclusively, until their property in this article amounted to 925 bales.

The evidence submitted, and which has been critically examined, in this case, shows that in April, 1865, 12 days prior to the capture and military possession of Mobile by the United States forces, and when federal troops were daily expected to appear before the city, the confederate authorities ordered all the cotton in the city of Mobile to be deposited in a designated place near the city and to be forthwith burned to prevent its capture by the United States government. This order was carried into effect, but the very promulgation of it raised such an outcry for mercy and forbearance, from the reduced and impoverished people of Mobile, that General Dick Taylor, the rebel commander, was induced to modify its terms, and accordingly issued a general order permitting such persons as could procure transportation for their cotton, either by water or rail, to take it 100 miles distant from Mobile, and beyond the reach of the federal army. With this exception, the cotton at Mobile was to be burnt. At this juncture, Captain Merchant, one of the claimants, succeeded in employing two steamboats and freighting them with 684 bales of his own cotton, and 241 bales of the cotton of Peter Rosecrantz, and immediately steamed up the Alabama river, under charge of Rosecrantz, some 30 miles distant, where it was run into a small bayou or lake and secreted as well as possible until further directions should be given by Merchant. On the 12th of April the federal forces occupied Mobile. On the 13th following, the claimant Merchant stated the circumstances of running off and secreting the two boat-loads of cotton to General Gordon Granger, the federal commander, who upon full inquiry, and being satisfied of the loyalty of these parties, gave a permit to restore the cotton to Mobile and to protect the claimants in its ownership and possession. It was accordingly restored to claimants' warehouses, and guards placed about the building to protect it from rebel depredations at Mobile.

Immediately following this, the whole of said cotton was taken possession of by Captain Samuel Lappin, assistant quartermaster of volunteers in charge of steamboat and water transportation at Mobile, and who was on duty shipping

captured cotton from that port, under the authority of the military commander, and the supervising special agent of the Treasury Department. As soon as claimants were informed that their cotton was being loaded on vessels to be shipped away, they remonstrated with Captain Lappin, and showed to him that their cotton was private property, brought to the city under a safe conduct from General Granger, and stored and to be protected under the permit and order of that officer, who was then absent from the city. Captain Lappin stated in reply that when he loaded the cotton he supposed it was a portion of that captured, and that as it was now mostly loaded he would furnish them with a bill of lading on the part of the United States, and they could proceed to New York, claim the cotton, and the agent there would, undoubtedly, turn it over to them. Accordingly, claimants procured insurance on the same, paying premium of \$4,000 therefor, and proceeded to New York and claimed the amount as stated in their bill of lading. The Secretary of the Treasury declined to turn over the cotton to them at once, but had it stored in warehouses, when claimants again procured insurance on it, and awaited the final action of the Secretary. And finally the cotton was ordered to be sold, and the proceeds thereof to be separately accounted for; so that the claim could be more easily adjusted, after it was thoroughly investigated.

General Granger's testimony as to the title to this cotton, and his own action concerning it, is to the following effect:

That the cotton was not within his lines at the time of the capture of Mobile, and was not captured by the military forces, nor claimed to be within their control, but was brought within the federal lines protected by a safe conduct granted by him, and from under the protection of that safe conduct, while in possession of its owners, was taken by Captain Lappin, by a mere mistake, and in ignorance of the fact that it was not government property, and was under the protection of the United States military authorities for the owners.

The voluminous evidence submitted to the committee shows conclusively that few men suffered greater indignities and fiercer persecution on account of their loyalty to the United States than these claimants, and few did more to aid the cause of the Union than they. Every sacrifice seems to have been endured by them but the actual submission to the attempted coercion of marching in rebel ranks. Imprisoned and threatened with death, the halter prepared to facilitate that dread event, the age and feebleness of the parties became their only protection. Their fortunes mostly confiscated and destroyed, the remnants of all they possessed are found in the 925 bales of cotton here in question. Now upwards of 70 years of age, the claimants have neither hope for the future nor means of subsistence for the present, except in the justice of their government, to which they appeal to restore to them their own and their all.

Under these circumstances, and from the considerations which follow, the Committee of Claims, after a most careful examination, have unanimously agreed to recommend and do recommend the passage of the accompanying bill, restoring to claimants the value of the cotton taken and sold, deducting the charges and expenses of the United States as found and stated at the Treasury Department.

PUEBLO OF SANTA ANNA.

[To accompany bill H. R. No. 1343.]

JULY 1, 1868.—Ordered to be printed.

Mr. ORTH, from the Committee on Private Land Claims, made the following

R E P O R T.

The Committee on Private Land Claims have, according to instructions of the House, had under consideration the claims of the Indians of the pueblo of Santa Anna, in the Territory of New Mexico, to certain lands, the confirmation of the title to which they claim by virtue of the provisions of the treaty of Guadalupe Hidalgo, and the act of Congress of July 22, 1864:

On examination we find that many years ago the government of Spain granted a certain tract of land to the pueblo of Santa Anna, in the province of New Mexico; that said grant was in writing, and full possession given of the lands granted in compliance with the laws, usages, and customs of that nation; that such grant was recognized by the republic of Mexico, and such possession was a continuous possession until the cession of said province of New Mexico to the United States under the treaty of Guadalupe Hidalgo, and is thus embraced in the provisions of said treaty and the act of Congress of July, 1854.

Your committee further find that the surveyor general for the Territory of New Mexico, in his annual report of September 30, 1855, states that the grant to said pueblo of Santa Anna had been filed in his office, and by him examined and approved.

In support of this claim, the former existence of the grant, and the possession, location, and quantity of land embraced therein, the attention of your committee has been called to the testimony of sundry witnesses, portions of which testimony we herewith present to the House:

Antonio Esculla, being first duly sworn, declares and says: I am about 60 years of age; was born in and have always lived at the pueblo of Santa Anna, where I was baptized in the Catholic church. I am the governor of that pueblo, elected by the pueblo at the last annual election of its officers, on Christmas night, which election is always verified by the cacique, first a few days before calling together the principal men of the pueblo, who, among themselves, select individuals to be submitted to the people for confirmation or rejection, though the nominations so made are very rarely or never rejected. All the male inhabitants of the pueblo, old and young, are then, after the religious services on Christmas night at the church are concluded, convened at the residence of the cacique, and he then and there makes known the nominations, and puts the vote whether the same be confirmed. When I first knew the pueblo it was a very old pueblo, and is situated now where it was then. The boundaries of the pueblo are on the west the lands of the pueblo of Zia; on the north the Borigo spring; on the east a stone monument near the head of the Venado Arroyo; and on the south the Duran Hill. The original grant to the pueblo of Santa Anna we know nothing about, in regard to its existence, though it has been searched for diligently for a long time, though without success. A grant according to our tradition was made by the King of Spain to the pueblo of Santa Anna the same as the other pueblos in the country. I am, as governor of the pueblo, the legal custodian of the papers belonging to the pueblo, but the grant referred to is not among them, and has never been in my possession.

The following is the testimony of José Sarracino, the lieutenant governor of said pueblo :

I am about 50 years of age ; was born in and have always lived at the pueblo of Santa Anna. I am lieutenant governor of the pueblo ; elected at the same time and in the same manner as the present governor, Antonio Esculla. The old men of the pueblo say that the grant the pueblo once held to the land was once in the possession of the pueblo, but that, as it was frequently necessary to produce it in settling questions or disputes, it at length got mislaid and has not since been found. The boundaries of the pueblo grant I understand to be the Borrigo spring, thence Faja Hill, thence the Grulla Hill, thence Chimaja Hill, thence Tecolote Hill, thence Teocuteo Hill, thence Duran Hill, thence the Standing Stone, thence Venado Arroyo. The lands of the pueblo of Santa Anna adjoin those of the pueblo of Zia.

The locality and extent of the lands embraced in the grant to the inhabitants of the pueblo of Santa Anna we believe to be sufficiently proven by the testimony of Simon Delgado, who testifies as follows, viz :

My age is 50 years, and I reside at Santa Fé, and have lived in this county of Santa Fé all my life. I know the pueblo of Santa Anna, and was there in the year 1843 or 1844. When I was there the pueblo had the appearance of being an ancient pueblo. I had known of the existence of the pueblo long before I saw it, and have always heard from the oldest inhabitants that the pueblo of Santa Anna was among the oldest of the Territory, and is known to have existed since before the conquest. The county of Santa Anna, in which the pueblo of that name is situated, was named after that pueblo. The pueblo lies on the Jernez river, as do those of Jernez and Zia. The pueblo of Santa Anna lies about three leagues from that of Zia, both being in Santa Anna county. I have always understood that the land granted Santa Anna by the Spanish government was two leagues square, as was the case with the other Indian pueblos.

We also present the following letter from the Commissioner of the Land Office, in reference to this claim, to wit :

DEPARTMENT OF THE INTERIOR,
General Land Office, May 22, 1868.

SIR : I had yesterday the honor to receive your communication of 20th instant in reference to the pueblo of Santa Anna in New Mexico, and, as requested, transmit herewith an extract of so much of Surveyor General Pelham's report, dated 30th September, 1855, as relates to said pueblo ; and in compliance with your request to be furnished with any other official papers or information in this office in reference to this pueblo, I have the honor to enclose also a transcript, marked A, of so much of a report, dated 6th August, 1867, from the surveyor general of New Mexico, as refers to the pueblo in question. This, together with the report of the surveyor general, dated 5th January, 1867, and accompanying documents, as found printed in Executive Document No. 13, House of Representatives, 40th Congress, 1st session, herewith returned, is all the evidence in this case in possession of this office.

In response to your call for a statement as to whether the confirmation of title in this case can be recommended by this office, I have the honor to state as follows :

It appears, from the testimony taken by the surveyor general, that in the examination of this case no grant was produced, the existence of such grant being traditionary in the pueblo, the affidavit of José Serracino, lieutenant governor of the pueblo, being to the effect that "the old men of the pueblo say that the grant the pueblo once held to the land was once in the possession of the pueblo, but that, as it was frequently necessary to produce it in settling questions or disputes, it at length got mislaid and has not since been found."

The loss of the title papers is also shown, by the report herewith marked A, in eight cases of pueblo claims heretofore confirmed by Congress, viz : The pueblos of Santa Clara, Taos, Tesuque, Nambe, Pojoaque, San Ildefonso, Zia and Isleta, confirmed by the act of 22d December, 1858. (Stats., vol. 11, page 374.)

The evidence shows the pueblo of Santa Anna to be a very ancient one, having an existence as far back perhaps as the time of the conquest, and that it has been in the continuous occupancy of the Indians ever since.

This office would therefore offer no objection to the confirmation of the claim to the extent mentioned in the surveyor general's report, viz : four square leagues, with the church in the pueblo as the centre—four square leagues being the usual maximum granted to pueblos by Spain and Mexico. See the opinion of the United States Supreme Court at the December term, 1867, in the case of *Grisar vs. McDowell*, where it is held as follows : "The same general system of laws for the establishment and government of pueblos, and the assignment to them of lands, that prevailed under Spain, was continued in Mexico, with but little variation, after her separation from the mother country. These laws provided for the assignment

to the pueblos, for their use and the use of their inhabitants, of land *not exceeding in extent four square leagues.*"

With great respect, your obedient servant,

JOS. S. WILSON, *Commissioner.*

Hon. G. S. ORTH,

*Chairman Committee Private Land Claims,
House of Representatives.*

In view, therefore, of the facts herewith presented, your committee have no hesitation in recommending the confirmation of this claim, and accordingly report a bill for that purpose, and ask to be discharged from the further consideration of the subject.

LAND CLAIMS IN NEW MEXICO.

[To accompany bill H. R. No. 1344.]

JULY 1, 1868.—Ordered to be printed.

Mr. ORTH, from the Committee on Private Land Claims, made the following

REPORT.

The Committee on Private Land Claims present the following report :

On the 10th day of February, 1868, the House of Representatives adopted a resolution as follows, viz :

Resolved, That private land claims Nos. 9, 41, 42, referred to the Committee on Private Land Claims and ordered to be printed January 12, 1861 ; No. 44, referred to the Committee on Private Land Claims and ordered to be printed February 6, 1861 ; Nos. 45, 46, 47, and 48, referred to the Committee on Private Land Claims and ordered to be printed May 16, 1862, be, and the same are hereby, rereferred to the said committee, no action having been taken in said claims by the 36th or 37th Congress, with direction to report by bill or otherwise.

And pursuant to its requirement your committee have investigated the several claims named in said resolution, and now present to the House the result of such investigation.

All the lands specified in these several claims were embraced within the limits of the Territory of New Mexico.

After the cessation of hostilities between this government and the republic of Mexico a treaty of "peace, friendship, limits, and settlement" was entered into between them, dated February 2, 1848, and which is known as the treaty of Guadalupe Hidalgo.

By the boundary line between the two republics, as established by said treaty, the Territory, then known as the province of New Mexico, fell within the limits of the United States, and thence hitherto has remained part and parcel of the United States.

With the acquisition of this Territory, not only its lands but also its people (except as excepted by the treaty) were transferred to the jurisdiction of the United States, and brought under the control of our laws. But it is a well-settled principle of the law of nations that the transfer of territory from one sovereign to another, including the lands and the people who inhabit them, is understood to pass the sovereignty only, and does not interfere with the rights of private property. "The people change their allegiance ; their relation to their ancient sovereign is dissolved ; but their relations to each other and their rights of property remain undisturbed." (See *United States vs. Percheman*, 7 Peters, 51.)

The parties to this treaty were, however, not satisfied to let the rights of their citizens rest merely upon this well-known principle of public law, but, as is usual in such cases, inserted clauses recognizing these rights and providing for their maintenance. By the eighth (8th) and ninth (9th) articles of said treaty it is provided as follows, viz :

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected.

The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

The Congress of the United States, in order to give full effect to the language of these stipulations, and recognizing the spirit in which they had their origin, passed a law approved July 22, 1854, the 8th section of which provides as follows :

SECTION 8. *And be it further enacted*, That it shall be the duty of the surveyor general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and, for this purpose, may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Gaudalupe Hidalgo, of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm bona fide grants, and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the government, and shall not be subject to the donations granted by the previous provisions of this act. (See Statutes at Large, vol. 10, page 309.)

Since the passage of this act of Congress, citizens of the Territory of New Mexico, claiming lands under Spanish or Mexican grants, have at various times filed their claims, and adduced evidence, oral and documentary, of their titles in accordance with the rules and instructions of the General Land Office. Many of these claims have been examined, reported, and confirmed, as required by law, and others, among which are those referred to your committee for examination, are yet awaiting the final action of Congress.

We have carefully examined some of these claims, and herewith present to the House the result of such examination in each individual case.

No. 41.

Claim number forty-one (41) in the report of the surveyor general aforesaid is the grant to Don Pablo Montoya.

It appears that Montoya, at Santa Fé, on the 8th of November, 1824, made application to "the territorial deputation of New Mexico," for a grant of lands, therein described, and that said "deputation" in public session on the 19th day of November aforesaid, in conformity with the prayer of such application and

the laws and customs of said republic, resolved "that the same be granted to him under the conditions heretofore imposed upon other persons receiving grants upon the frontiers of the Indian tribes."

That said Montoya took possession of said lands under his grant and continued in such possession some 15 years and until the time of his death. That after his death his children, to whom the same descended, retained such possession until driven from it by the hostility of the Indians.

This grant was investigated by the surveyor general, under the act of Congress heretofore recited, and on the 20th of November, 1860, he reported his action in the premises, and "to the fullest extent recommends its final confirmation by Congress."

No. 42.

Number forty-two (42) in the report of the surveyor general is the grant to Antonio Ortiz.

It appears from the public archives that on the 18th of December, 1818, Ortiz presented his application to Melgares, then governor of the province of New Mexico, for a grant of land, reciting that, "finding himself with a large family to support, it becomes indispensable for me, in order to support it, to seek and solicit the means of which I can avail myself, and under these circumstances I pray you, if you deem it proper and consider it just, to grant me, in the name of his Majesty, (whom may God have in his keeping,) a farm on the so-called Gallinas river, &c."

This pathetic appeal had its effect on the old Spanish governor, and he referred the application to the alcalde of El Bado for report.

The alcalde, however, made an unfavorable report, mainly because Ortiz desired the lands "with privileges or prohibitions of pasture," which he (the alcalde) thought "would not only be an injury to the residents of this jurisdiction, but also to the province."

The governor, not being satisfied with this report, referred the application to the curate of Santa Fé.

The curate, after due deliberation, came to a favorable decision, stating that by means of these settlements "there will be an increase in population as well as in agriculture," and the governor thereupon, on the 30th of April, 1819, ordered the grant to issue, and also ordered the commandant of the district to deliver to him actual possession. Ortiz remained in the use and occupancy of his lands for many years, until driven therefrom by the hostility of the Indians, which cause alone prevented continuous occupancy.

After his death his heirs-at-law filed their claim for adjudication of title under the act of Congress already recited, and the surveyor general for the Territory of New Mexico, on the 21st of November, 1860, reported that "the grant is a perfect one," and recommended its confirmation.

No. 44.

Case number forty-four (44) is that of the heirs-at-law of Luis Maria C. de Baca, and known as the estate of "The Spring of the Holy Ghost."

Prior to the year 1815 this estate had been granted to the Messrs. Ortiz by De la Concha, the then governor of the province of New Mexico, but the grantees, failing to comply with the terms of the grant and the laws of Spain, but, on the contrary, "abandoning and depopulating it for more than 20 years," it was forfeited according to the royal order in such cases, and on the 23d of May, 1815, said de Baca petitioned Governor Maynez for a grant of the same to himself and his children, 15 in number.

This petition received favorable consideration and a grant in due form, and in accordance with the royal laws of the recopilation of the Indies relating to

settlements, grants, &c., was issued to said de Baca and his children, and they placed in the possession and occupancy of said estate.

These grantees continued in such occupancy, erecting a house and corrals, and extensively cultivating the lands for many years, until driven therefrom by the hostile incursions of the Navajo Indians. This claim was fully investigated by the surveyor general, who on the 12th of December, 1860, reported that "this office regards it as a *perfect claim* and recommends its final confirmation by the Congress of the United States to the heirs of said de Baca, who are the present claimants."

No. 46.

The next case, numbered forty-six, (46,) is that of the town of Cevioletta, in the county of Valencia. In this case your committee find that on the 15th of March, in the year 1800, Fernando Chacon, then governor of the province of New Mexico, received a petition from thirty citizens of the province praying for a grant of lands on which to found a town and settlement. Pursuant to the powers vested in him as such governor he granted them the place known as La Cevioletta, "on condition that they [the thirty citizens] form a regular settlement and do not abandon it under any pretext."

These conditions were kept by the said citizens until about August, 1804, when they evacuated the place on account of an attack of the Navajo Indians, and the terror inspired by such attack, and petitioned the governor for leave to abandon the same. Such request was not granted, and on the 26th of September, 1804, Chacon ordered their return to the settlement, which order they obeyed, and by themselves and their successors have maintained such possession ever since. We know of no reason why this grant should not be confirmed as recommended by the surveyor general.

No. 47.

Claim numbered forty-seven (47) is the estate of Los Luceras, and claimed by Antoine Leroux for himself and in behalf of the legal representatives of Pedro Vigil de Santillana, Juan Bautista Vigil, and Cristoval Vigil, deceased.

It appears that said Santillana and his nephews, the two Vigils, obtained a grant of said estate from the Spanish authorities as early as the 9th day of August, 1742, and entered into possession thereof immediately thereafter, erecting houses, cultivating the lands, and continuing such possession. The consideration for such grant, as appears by the record in the case, was that said Santillana had served his Majesty the King of Spain for upwards of 20 years, and his salary being insufficient to support his large family he had "to live by borrowing," from which unpleasant position the King was desirous of relieving a faithful public servant, which he did by the grant aforesaid.

Leroux is the husband of Juana, one of the heirs of Juan Bautista Vigil, and is a claimant in right of his wife.

A portion of this estate, subsequently to the original grant, by some means came into the possession of the "Indians of the Puebla of Taos," who claimed by some title unknown to your committee, and when the present claimants filed their petition, under the act of Congress already quoted, for confirmation, these Indians appeared before the surveyor general and opposed such confirmation. On the 14th of April, 1861, the Indians withdrew all opposition to the confirmation of the claim, a compromise or settlement having been made between the parties, by which the claimants, on the day last mentioned, conveyed to the Puebla of Taos the portion of said estate occupied by said Indians.

The grant was thereupon approved by the surveyor general and its confirmation by Congress recommended.

On the 18th of August, 1824, the Mexican Congress passed a decree "relating to colonization," and in the year 1828 established certain "regulations," applying the principles of said decree to the provinces of Mexico.

This decree, and the regulations founded thereon, established certain rules and forms in reference to the disposal at the public domain of that republic, among which we find, in the 12th section thereof, the following, viz :

One single person can only receive a square league of land, of 5,000 varas de regadia ; four of superficies for temporal use, and six for pasturage.

See Schmidt's "Civil Law of Spain and Mexico," page 345.

This decree, as will be seen, limits the amount of public lands to be granted to a single individual to the areal extent of 11 square leagues.

Neither of the cases which your committee hereby recommend for confirmation by Congress contain, as we are informed, more than the quantity of land as limited by the 12th section of said decree, but as all these grants date prior to the adoption of said decree and regulations, your committee conceive that they are not affected by the limitations of said decree even if they contained a larger quantity than 11 square leagues.

The claims of Gervacio Nolan being numbered thirty-nine (39) and forty-eight, (48,) being of a date long subsequent to said decree and regulations, and as your committee are informed exceeding the limits of said decree, are withheld for further investigation.

No. 45, being the claim of José Sutton, has heretofore been reported by your committee, with a recommendation that it be adjudicated in the United States courts, prior to confirmation, which report has received the favorable action of the House.

In view of the provisions of the treaty of Guadalupe Hidalgo, and the act of Congress of July 22, 1854, together with the facts in each case as herein stated, your committee recommend that the title in the cases enumerated, to wit: numbers forty-one, (41,) forty-two, (42,) forty-four, (44,) forty-six, (46,) and forty-seven, (47,) be confirmed.

Public policy, as well as justice to the individual, alike require that the rights of property should be settled and known; that titles to real estate, especially, should be clear and perfect, and where possible all clouds or defects be removed. The parties now interested in these grants are scattered over the Territory of New Mexico. Many of them are minors, unacquainted, not only with our laws and customs, but also ignorant of our language. In good faith and at considerable expense they have, in pursuance of our laws, appeared before the surveyor general of the Territory of New Mexico to prove "the origin, nature, character, and extent" of their claims, and according to instructions have surrendered, for permanent preservation among our archives, all the evidence of their titles, and hence it is but just and proper that they should be relieved from anxiety, in reference to their property, by a confirmation which has already been too long delayed.

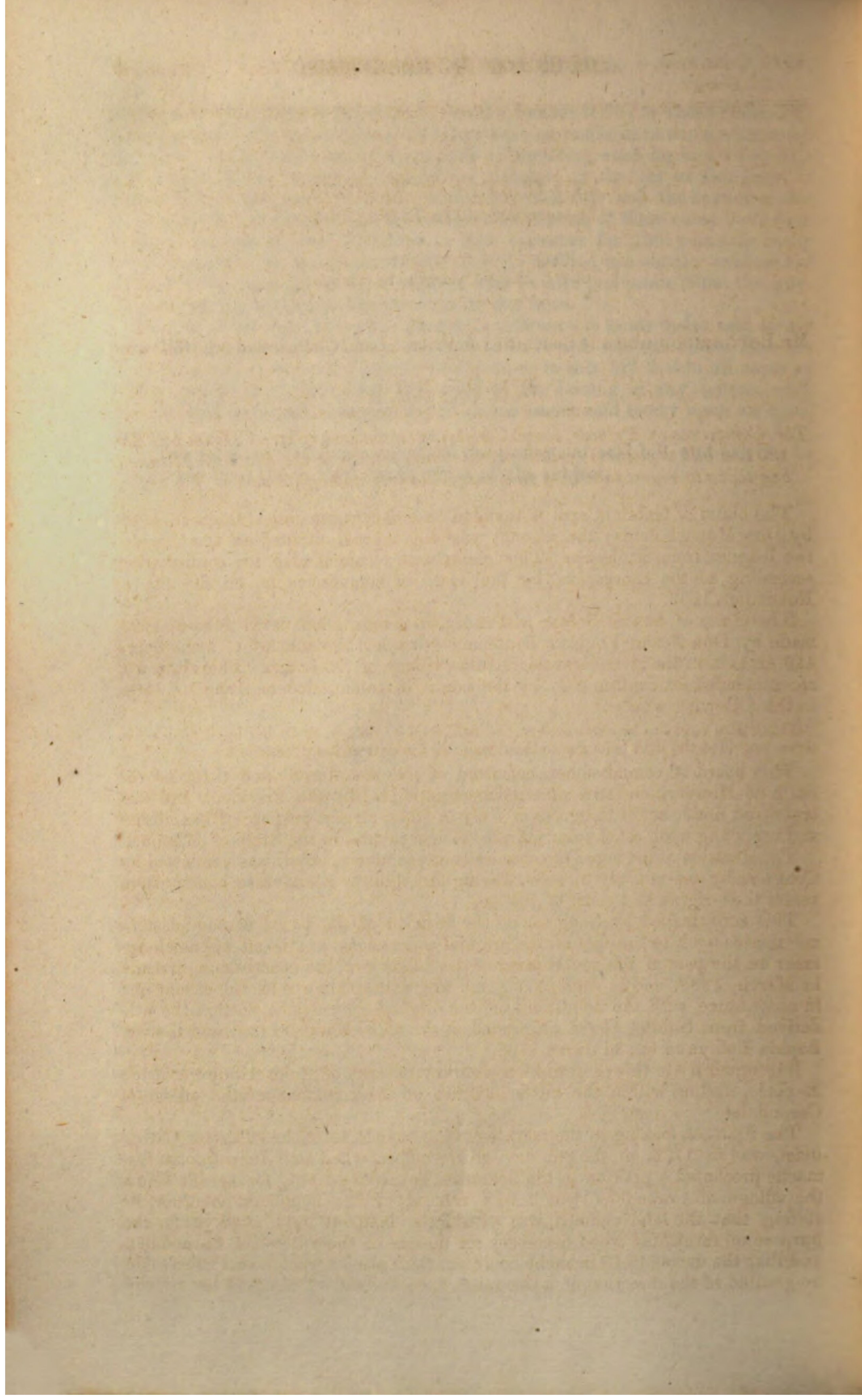
Accompanying this report is a bill, the passage of which we recommend, which provides for such confirmation, not by granting to the claimants a fee-simple estate in those lands, but simply by way of quit-claiming on the part of the United States to the heirs of the original grantees. This is all that, in the opinion of your committee, is required under our treaty with Mexico, and all that is necessary to make a perfect title in the absence of any adverse claims; and should there be any such adverse claims the parties are left, under the proposed legislative action, to seek their remedies in the proper judicial tribunals of the country.

The bill herewith reported also provides for the issuing of a patent in each case. It is not assumed that a patent is at all necessary in order to confer or confirm title in these cases, for we are aware that our Supreme Court has decided that confirmation by act of Congress, and approved survey under it, are sufficient

evidence of title without any patent; but we believe it due to these claimants, whose original title papers have heretofore been surrendered to our government, that they should not be put to the trouble of providing, each for himself or herself, a copy of the treaty of Guadalupe Hidalgo, of the act of Congress of July, 1854, of the act of Congress confirming such title and the survey under it, in order to feel assured that the lands which in some of these cases have been in the possession of these claimants or their ancestors for 100 years, is really their property. As American citizens they are entitled to a simpler evidence of title, and such as is given to our citizens who acquire real estate from the government by the various modes provided by our laws.

In some of the acts heretofore passed, in reference to lands under said treaty with Mexico, patents have been required to be issued, while in others this has been overlooked; hence we provide furthermore in this bill that in all cases in which confirmation has been had, without the issuing of any patent, such patents shall be issued, thus placing all claims under said treaty upon an equal basis.

Your committee therefore recommend the passage of said bill, and ask to be discharged from the further consideration of the subject.



LAND CLAIMS IN MISSOURI.

[To accompany bill H. R. No. 1204.]

JULY 1, 1868.—Ordered to be printed.

Mr. LOUGHRIDGE, from the Committee on Private Land Claims, made the following

REPORT.

The Committee on Private Land Claims, to whom was referred House bill No. 1204, a bill to confirm certain private land claims in the State of Missouri, beg leave to report that they find the following state of facts:

The claim of Gabriel Cerré is founded on a concession dated March 15, 1789, by Don Manuel Peres; the amount was 400 arpens, situated on the Gravois, two leagues from St. Louis. This claim was recommended for confirmation, according to the concession, by the board of commissioners, on the 8th of November, 1833.

The claim of Sophia Bolaye is founded on a concession dated June 3, 1796, made by Don Zenon Trudeau, lieutenant governor, the amount of same being 150 arpens, on the river Gravois, near the village of St. Louis. This claim was recommended for confirmation, by the board of commissioners, June 10, 1835, in the following words:

This claim ought to be confirmed to the said Sophia Bolaye, or to her legal representatives, provided the land belonged to the domain at the date of the concession.

This board of commissioners consisted of the recorder of land titles of the State of Missouri, and two commissioners appointed by the President, and was organized under act of Congress of July 9, 1832, for the purpose of examining and reporting upon all the unconfirmed claims to land in the State of Missouri.

The decision of the board of commissioners, as above stated, was confirmed by Congress by act of July 4, 1836, saving the right to all adverse claimants to assert their rights in a court of justice.

This confirmation by Congress of the decision of the board of commissioners relates back to the date of the original concessions, and is an acknowledgment on the part of the government of the validity of the concessions, as made in March, 1789, and in June, 1796, and the confirmation is to the extent and in accordance with the conditions of the original concessions, so that the title derived from Gabriel Cerré originated on the 15th March, 1789, and that of Sophia Bolaye on the 3d June, 1796.

Subsequently to this confirmation a survey of each of these claims was made in place, falling within the out-boundaries of the commons of the village of Carondelet.

The first act, looking to the marking of the boundaries of the village of Carondelet, was in 1796, on the 6th day of December, when one John Baptist Gamache presented a petition to the lieutenant governor praying for a grant below the village of Carondelet, which was refused by the lieutenant governor, he stating that the land claimed was within the limits of land reserved for the purpose of furnishing wood necessary for the use of the village of Carondelet, and that the demand of Gamache could not take place nor any other concession be granted in the direction of a line taken from the end of the field lots of the

village and running parallel with the Mississippi further down the river 150 arpens.

The first step taken by the inhabitants of the village of Carondelet to claim commons was on the 7th of June, 1808, when a notice of claim for commons was served on the recorder, and testimony was then taken, and on the 2d January, 1812, the board of commissioners, after examination of the claim of the inhabitants of Carondelet aforesaid, decided that the same ought not to be granted.

On the 10th June, 1812, an act was passed by Congress confirming the rights and titles to town and village lots, common field lots, and commons, adjoining to and belonging to the several towns or villages of St. Charles, St. Louis, Carondelet, &c., which commons had been possessed prior to December 20, 1803, to which act there was the following proviso :

That nothing herein contained shall be construed to affect the rights of any persons claiming the same lands, or any part thereof, whose claims have been confirmed by the board of commissioners for adjusting and settling claims to land in said Territory.

And it was made the duty of the principal deputy surveyor to survey and mark out the boundary lines of the commons.

In the case of Carondelet, this survey was made in 1816 or 1817, and the lines retraced in 1834, which retracing was sustained by the Secretary of the Interior, by a decision dated February 23, 1855.

As was said by the Secretary of the Interior, in an opinion given in 1853, involving the title of the town of Carondelet to the commons :

The refusal of the lieutenant governor, in 1796, to make the grant asked for in the petition of Gamache, is not evidence of title in the town. The answer of the lieutenant governor is at the most evidence of an intention or purpose on his part to make such grant to the town, but does not of itself constitute such a grant.

The only source from which the town of Carondelet can derive title is in the act of Congress of June 10, 1812, and that act did not confirm the claim to commons "in place." The effect, object and purpose of that act cannot be better stated than by quoting an extract from the decision of the Supreme Court of the United States, in the case of *Mackey vs. Dillon*, in which the title to the commons of St. Louis was involved :

By the 1st section of the act of 1812 Congress confirmed the claim to commons, adjoining and belonging to St. Louis, with similar claims made by other towns ; but no extent or boundaries were given to show what land was granted ; nor is there anything in the act of 1812 from which a court of justice can legally declare that the land set forth by the survey, and proved as commons, in 1806, by witnesses, is the precise land Congress granted. In other words, the act did not adopt the evidence laid before the board for any purpose ; and the boundaries of claims thus confirmed were designedly (as we suppose) left open to the settlement of the respective claimants, by litigation in the courts of justice or otherwise. The confirmation extended to town lots, out-lots, common field lots, and commons in, adjoining or belonging to the several towns or villages. And the act of 1812 made it the duty of the principal deputy surveyor of the Territory, as soon thereafter as might be, to survey, or cause it to be done, and marked, the out-boundary lines of the several towns, so as to include the out-lots, common field lots, and commons. Of this out-boundary survey he was to make returns with plats to the surveyor general, who was to forward copies to Commissioner of Land Office. The object of this proceeding on part of government was to sever the confirmed claims in a mass from the remaining lands of the government, and others outside the boundary, and nothing more ; the concessions to Cerre and Bolaye, being prior in date to any concession or grant to the village of Carondelet, and being by act of 1836 confirmed by Congress. (*Mackey vs. Dillon*, 2 Howard, 421.)

Your committee are of the opinion that there is nothing in the act of June 10, 1812, which would invalidate the title of the grantees of Cerre and Bolaye, or which would prevent the operation of the confirmatory act of July 4, 1836, upon the said claims, as that act is construed by the Supreme Court.

The bill provides that the confirmation therein provided for shall be subject to any valid adverse rights, if such exist, and provides for the issuing of a patent accordingly.

TAX ON THE INTEREST OF UNITED STATES BONDS.

[To accompany H. R. No. 1350.]

JULY 2, 1868.—Ordered to be printed.

Mr. HOOPER, from the Committee of Ways and Means, made the following

REPORT.

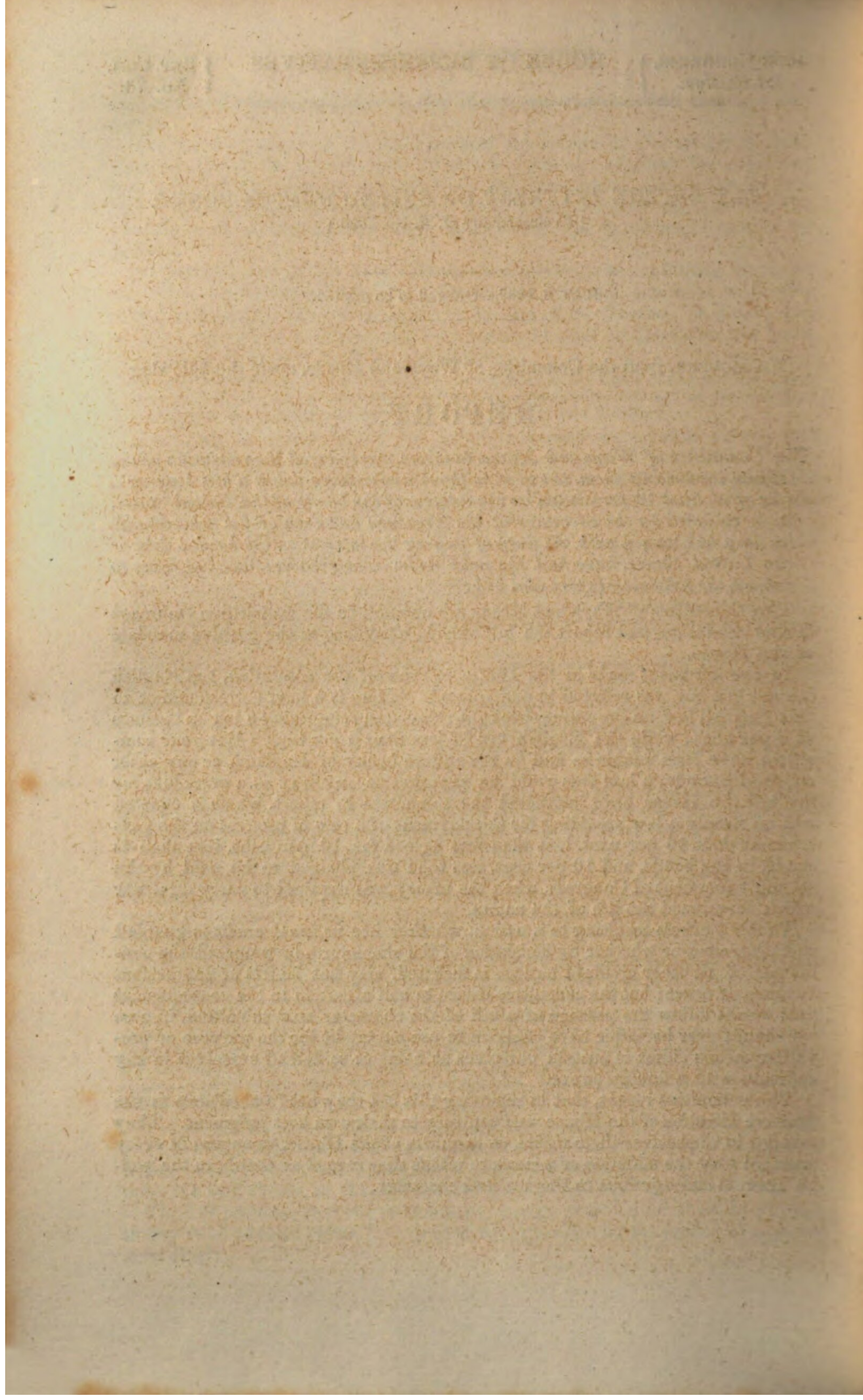
The Committee of Ways and Means, to whom was referred the resolution of the House instructing them to report without unnecessary delay a bill levying a tax of at least 10 per centum on the interest of the bonds of the United States, to be collected by the Secretary of the Treasury and such of his subordinates as may be charged with the duty of paying the interest on the bonded debt of the United States, have had the same under consideration, and beg leave to submit the following report and bill :

The Committee of Ways and Means are opposed to the proposition embraced in this resolution, and report the bill only in obedience to the positive mandate of the House.

In the argument made in the House in favor of the resolution, the English income tax law was referred to and quoted. There is a law, corresponding to that English law, on the statute-books of this country, imposing a tax on incomes of 5 per cent., while the English tax is less than 3 per cent. But your committee have been unable to find in the statute-books of England, or any other civilized country, a law that could be regarded in any way as a precedent for the bill the House have instructed the committee to report, which if enacted will be simply a law providing for the payment of a rate of interest on the government debt 10 per cent. less than was agreed for, 10 per cent. less than is stated in the bonds, and 10 per cent. less than was pledged to be paid by the solemn enactment of Congress, when the money was required to carry on a war which threatened the life of the nation.

The evil effects resulting to a nation, whether her national credit is guarded and protected, or whether by legislation of the character now proposed the confidence of all other civilized nations is forfeited, may not be felt or appreciated in times of peace; but the committee desire to call attention to the consequences that would follow the passage of a bill of the character now submitted, in case we should ever hereafter have occasion to use our credit for the purpose of providing means either to sustain ourselves at home or to defend ourselves in any collision with a foreign power.

The committee repeat, that in reporting this bill they act in obedience to the positive direction of the House and contrary to their own best judgment. They reserve to themselves their rights, as members of the House, to oppose in every possible way the adoption of a measure which they regard as hostile to the public interest and injurious to the national character.



REMOVAL OF DISABILITIES.

[To accompany bill H. R. No. 135.]

JULY 3, 1868.—Ordered to be printed.

Mr. PAINE, from the Committee on Reconstruction, submitted the following

REPORT.

The Committee on Reconstruction respectfully report a list of persons from whom they recommend the removal of political disabilities imposed by the acts relating to the States recently in rebellion, and by the 14th article of amendments to the Constitution of the United States.

List of persons.

FLORIDA.

Robert H. Gamble, Tallahassee; Josiah E. Lee, Sumpterville; Thomas T. Long, Lake City; A. C. Blount, Pensacola; Benjamin Neal, Marianna. Vouched for by T. W. Osborne, Senate.

TENNESSEE.

Petition Geo. M. Marshall, Lafayette. Vouchers are Geo. M. Eorrett, captain United States volunteers and member of the Grand Army of the Republic; J. J. Morgan, const. member Post No. 8, and member of the Loyal League. Wm. B. Stokes, M. C., concurs in the above statements.

ALABAMA.

Petition John F. Conoley, Dallas county. Vouchers are Captain C. A. Dolby, 19th regiment Illinois volunteers; U. H. F. Randall, late assistant adjutant general, and about thirty others, signed the petition.

Letter Henry C. Sanford, Cherokee county. Voucher, P. J. Chisolm, assistant assessor 3d district, and postmaster at Centre, Ala.

LOUISIANA.

Petition Zenon Lebauve, associate justice. Vouchers are B. L. Lynch, attorney general Louisiana; R. K. Howell, associate justice supreme court; William B. Kellogg; James B. Taliaferro, associate justice supreme court; R. W. Taliaferro, postmaster; Michael Hahn.

Petition John E. Trudeau, parish of Jefferson. Vouchers are P. H. Sheridan, major general United States army; W. T. Sherman, general United States army; Thomas J. Durant.

Petition Theodule Drouett, New Orleans. Voucher is Thomas J. Durant.

Petition Rufus King Howell, New Orleans. Vouchers are James G. Taliaferro, president of the constitutional convention; W. Z. McMillen, brevet major general United States army; John Lynch; Cyrus Bussay, late brevet major general United States army.

Letter Wade H. Hough, W. W. Handlin. Letter written to Hon. G. S. Boutwell, and those names vouched for by Thomas J. Durant.

KANSAS.

Petition Charles W. Helm, Leavenworth. Vouchers are Daniel W. Wilder, J. C. Vaughan, editor of the Leavenworth Times; Champion Vaughan, managing editor of the Times; Thomas D. Johnson, editor of the Bulletin.

GEORGIA.

Letter P. M. B. Young, Cartersville, late rebel general. Letter from General Grant, General Schofield, General William H. Emory, General O. O. Howard, and General George G. Meade.

Letter W. R. Bell, Banks county. Voucher, Joshua Hill.

Petition H. H. Took, Thomas county. Vouchers, Thomas S. Tullock, W. F. White.

Letter Walker Brock, senator elect from the 38th senatorial district, elected on the republican ticket. Referred to committee by Mr. Garfield.

Letter W. C. Daniell, Savannah. This letter was written to Hon. J. A. Bingham, member of Congress.

Letter William T. Martin, Banks county, and Isham G. Fannin, Morgan county. This letter had been written to Hon. G. S. Boutwell by Joshua Hill.

Petition John W. H. Underwood, Augustus Wright, of Georgia. Those names were sent to be inserted by E. B. Washburne.

TEXAS.

Petition Jacob Reichler, San Antonio. Vouchers are, Dr. Theodore Hertzberg, supervisor of registration; Mr. Riote, and 150 others. The petitioner is a delegate to convention.

Petition Jacob Eliot, Navarro county. Voucher, J. Holt; referred to the committee by T. D. Eliot.

Petition Jacob Schmitz, Comal county, T. Hancock, Comal county. Board of registration, A. Gallie, L. Klappenbach; Charles Elmondorf, clerk of registration.

Petition Richard W. Davis, Goliad county. Voucher, Joseph D. Ryan, register, Goliad City; and the petitioner refers to Governor A. G. Hamilton, E. M. Pease, Colonel J. L. Haynes, General E. J. Davis.

Petition John Blair, Houston county. Vouchers are, H. G. McDaniel, United States deputy marshal, J. P. Dellespine, A. S. Monroe, James R. Burnet, delegates to the constitutional convention.

Letter Thomas Ochiltree, Texas. Vouched for by General U. S. Grant, and refers to General J. A. Logan and Senator Stewart.

By the constitutional convention of South Carolina:

Jacob Kibler, Newberry county; R. M. Wallace, of Richland; Henry Summer, Newberry county; John P. Kinard, Newberry; E. P. Lake, Newberry; John Twitly, of Lancaster; Mathew McDonald, of Abbeville; A. G. Baskin, of Richland; W. W. Houseal, Newberry; D. B. Miller, of Richland; H. P. Hammond, of Greenville; C. S. Rutland, of York; J. Botton Smith, of York; Daniel Burton, of York; Elihu Moore, of Lancaster; Samuel B. Clowney, of Fairfield; Lewis Dial, of Laurens; Walter W. Herbert, of Fairfield; Thomas Jordan, of Fairfield; H. H. Kinnard, of Newberry; J. C. Miller, Charleston; A. P. Kinard, Newberry; Thomas E. Dudley, of Bennetsville; Alex. McBee, of Greenville; H. Beatie, of Greenville; J. B. Tolleson, of Spartansburg; S. W. Maurice, of Williamsburg; B. F. Bates, of Spartansburg; D. L. Thomson, of

Beaufort; Wm. M. Thomas, of Greenville; F. C. Gower, Greenville; H. C. Markley, Greenville; Thomas Cox, Greenville; James A. Black, Abbeville; Willis Allen, Spartansburg; John D. Ashmore, Greenville; John S. Green, of Sumter; Elijah W. Horner, of Edgefield; Wm. B. Johnson, of Richland; H. W. Lawson, of Abbeville; Metts Williams and Geo. W. Williams, of York.

Attest:

A. G. MACKEY,
President Constitutional Convention.

C. J. STOLBRAND, *Secretary.*

Petition Dr. Robert Lebby, Charleston. Vouchers are, A. G. Mackey, collector of customs; R. K. Scott, brevet major general; D. T. Corbin, United States district attorney; Fred. A. Sayer, collector internal revenue, 2d district.

Letter James G. Gibbs, Columbia. Vouchers, John B. Dent, U. S. Grant, General.

RAISING OF MONEY TO BE USED IN IMPEACHMENT.

JULY 3, 1868.—Ordered to be printed and recommitted.

Mr. BUTLER, from the Select Committee of the Managers of Impeachment, made the following

R E P O R T .

The Committee of the House, appointed under a resolution of May 16th, to ascertain if there is "probable cause to believe that improper or corrupt means have been used to influence the determination of the Senate upon the articles of impeachment exhibited to the Senate by the House of Representatives against the President of the United States, with power to summon and examine witnesses under oath, and to send for persons and papers," beg leave in part to report:

As most of the facts and circumstances to be investigated by the order of the House must of necessity lie in the possession solely of those who are bound by every motive, personal and political, to withhold them, your committee were not unaware of the difficulties opposing themselves to the elucidation of the truth. The very supposition of corruption upon which the inquiry was based necessarily presupposed such wickedness in the parties involved, either as actors or recipients, as substantially to take away all efficacy in an appeal to their consciences through the sanctity of an oath. Indeed a glance at the testimony will show so great a recklessness of statement, prevarication and evasion, and attempts on the part of many of the witnesses most nearly concerned in the transactions under examination, and such an evident desire in answer to the questions put to them—to disclose such facts only as the fear of being involved in a criminal prosecution for perjury forced upon them—as to render the taking of evidence necessarily a close and oftentimes tedious cross-examination. In spite of all these hindrances to the discharge of their duties, your committee believe that they have been able to elicit facts and circumstances which carefully examined and maturely considered will develop the fact that there was substantial ground for the inquiry ordered by the House. It is only by carefully collecting such isolated facts and acts as could not be covered or concealed, that a satisfactory conclusion can be reached.

THE TELEGRAMS.

Learning that many telegraphic messages relating to impeachment had been sent and received by the parties supposed to be implicated in fraudulent practices, your committee issued a *subpœna duces tecum*, in the usual form, to the managers of the several telegraphic companies in this city and Baltimore, to produce telegraphic despatches during a certain period; and then directed the witnesses, officers of the telegraph companies, to select such telegrams as were supposed would throw light upon the investigation.

This exercise of an ordinary power, confided to every justice of the peace in the country who has a cause pending before him, was the only seizure of telegrams made by your committee, which has been the subject of much senseless and useless vituperation.

THE RAISING OF MONEY TO BE USED IN IMPEACHMENT.

Perhaps no better method of presenting the material facts can be adopted than following the chronology of events as shown by the testimony.

It will be recollected that when the July session of '67 adjourned to the 21st of November, it was understood that among the first topics to be presented on the reassembling of Congress, was the report of the Committee of the Judiciary in relation to impeachment. To meet that report, it seems to have occurred to the friends of the President that funds would be necessary. Thereupon we find, from the testimony of George T. Hammond, of Brooklyn, New York, at that time chief clerk of the warehouse superintendent, that on the day after the November election a subscription was taken among the employés of the custom-house, upon the following paper:

We, the undersigned, gratuitously appropriate the sum set opposite our names, for the cause of the country, and opposed to the impeachment of President Johnson.

It was understood among the employés that each must pay a sum in proportion to his salary; and so thorough was that belief, although the subscription paper read "gratuitously," that, though Mr. Hammond declined personally to pay, yet the messenger paid for him the amount assessed lest he should lose his office.

[Extract from the testimony of Mr. Hammond.]

Question 4. What was your department?—Answer. I went in originally as a storekeeper. I was afterwards promoted to be chief clerk of the warehouse superintendent's office.

Q. 5. At any time do you know anything of a subscription being taken up or levied for political purposes?—A. There was a subscription taken up last November, a day or two after the election, but it was not taken up for "political purposes;" it was taken up "for the good of the country," which was the way the subscription read.

Q. 6. Please describe, as well as you can, how it was taken up.—A. I do not know whether you know it, but all these subscriptions taken up in the custom-house "gratuitously" or voluntarily, but really they are assessments upon the officers of the custom-house; and they are given to understand that if they do not pay it they will be turned out.

Q. 7. In the form a gratuity, but in fact an assessment?—A. Yes, sir; we have always found it so. Since I have been there, there has been quite a number. The general understanding is they are obliged to pay.

Q. 8. Do they pay in the ratio of their salaries?—A. That depends on circumstances.

Q. 9. In this particular instance, did the paper read "for the good of the country, and opposed to impeachment?"—A. Yes, sir; "for the good of the country, and opposed to the impeachment of the President of the United States."

Q. 10. How general, within your knowledge, was this subscription?—A. I think it was quite general.

Q. 11. Was it so through your division?—A. When it was first brought to our department the warehouse superintendent refused to sign it, and I did also. Consequently the storekeepers—there are 124 of them—refused, with but few exceptions; but afterwards a pressure was brought to bear, and I think every one, with the exception of two or three, signed the list.

Q. 12. Did the superintendent give in at last?—A. No, sir.

Q. 13. Did you?—A. No, sir, I did not sign it. The messenger in our office was thoroughly convinced that I would be turned out unless I did pay some money; and so, anxious that I should stay, he did pay some money, without my knowledge, until afterwards—perhaps three weeks after—I found he had paid \$5 for me, and I returned the money to him. He was a poor man, and I did not want to see him lose it.

Q. 14. What happened to the superintendent?—A. He resigned shortly afterward; but he had made up his mind to resign before. I will say further, that he stated to me and to some of the storekeepers that he intended to resign, and he did not wish to influence them about signing the paper; and he rather advised them to sign it, if they wished to stay in the custom-house.

Q. 15. Have you a copy of the paper?—A. Yes, sir. [The paper was produced.]

Q. 17. Do you know it was after election?—A. I am very positive it was after election. The reason I am sure it was after election is, we had supposed there would be a subscription before, but this did not come in till after, and that fact impressed it on my mind.

The following is a copy of the paper:

We, the undersigned, gratuitously appropriate the sums set opposite our names, for the cause of our country, and opposed to the impeachment of President Johnson.

Mr. John J. Herrick, second auditor of the New York custom-house, testifies that he wrote the original paper, stopping at the words "cause of our country,"

and that the words "opposed to the impeachment of President Johnson" were added thereto by the collector, Henry A. Smythe. Mr. Herrick thinks this was the last of October.

Mr. John Pennell, the messenger of the auditors' department of the New York custom-house, testifies that he took the paper to the heads of the several divisions, and that the money was collected, but both Hammond and Pennell are unable to tell us of the amount received. Both these witnesses testify under great restraint, and evidently with a desire to make known as little as possible; but, at the lowest rate of assessment, \$5 per head, such subscription must have amounted to a very considerable sum, from some 1,500 to 2,000 employés; and Mr. Smythe, who was before the committee at two several times, fails to tell us what was done with the proceeds.

WHICH SENATORS GENERAL EGAN "GUESSED" WOULD VOTE FOR ACQUITTAL.

The President was summoned to file his answer on the 9th of March, before the Senate. His counsel urged delay, and the opening argument for the people was made on the 30th of March.

About that day—certainly before the 3d of April, when he left Washington, General T. W. Egan, formerly collector of internal revenue of the ninth district of New York, who was spending the winter in Washington, as he says, on his own business, and had frequent interviews with the President, came to Willards' hotel, having left the President within an hour, and then and there wrote down the names of the seven republican senators, to wit: Fessenden, Trumbull, Grimes, Henderson, Fowler, Ross, Van Winkle, and no others, each of whom he declared would vote for acquittal; and bet a hat that every one of them would so vote. He won the hat on the 16th of May following; these senators voting according to his prediction. General Egan testifies, that all the knowledge he had on which to bet, was only "guess-work" on his part. His powers of guessing would seem to be little less than miraculous, being more than prophecy. Of the fact that he wrote the names as stated, there can be no doubt. The committee will have occasion subsequently to refer to General Egan's testimony in another connection.

THE MEANS THE PRESIDENT HAD TO KNOW HOW SENATORS WOULD VOTE.

Ralph W. Newton, a stock broker and gold operator of the city of New York, who spent seven weeks in Washington during the impeachment trial "upon private business entirely with his associates in New York," and who declined to explain the cipher which he used in telegraphing to his associates, and who thus answered the 16th and following questions:

Q. 16. Have you been at work on his—Andrew Johnson's—case?—A. I hardly know how to answer that question; I feel great sympathy for him; I voted for him.

Q. 17. Please answer the question.—A. Yes, sir; I have. I am at work for myself, for my country, and for Andrew Johnson.

Q. 18. For the acquittal of Andrew Johnson?—A. Yes, sir.

And, in answer to 34th and 35th questions, says:

I have been staying here entirely on private business. I have been staying here longer than I otherwise should; in other words, as a friend of Andrew Johnson, I have remained here longer than my private business would have retained me.

Telegraphed on the 16th of May to Collector Smythe, as follows:

WASHINGTON, D. C.

H. A. SMYTHE, *New York*:

The goose hangs all right. First test vote 19 against. Will grow better.

R. W. NEWTON.

About the 1st of May Newton overtook the Hon. Henry Wilson on the street and said to him, "that he had heard a remark made an evening or two before, which, on account of our acquaintance, gratified him very much; that it was made by a gentleman high in office, who was in every way politically opposed to me. He went on to say that he was dining in company with several gentlemen; that they remained late at the table and discussed very freely the character and standing of senators. In the course of that conversation he said that the gentleman to whom he referred remarked that it would not do to approach Henry Wilson with the offer of money or patronage to influence his vote. He said the remark was made by the President, at his own table. I remarked that the President could have no personal reasons to speak very kindly of me, for I had not been in his house for more than two years; had asked no personal favors of him, and had earnestly opposed his policy."

If this friend of the President, who was here working for him, and the companion of Mr. Smythe, is to be believed, the subjects of discussion at the President's table were what senators votes could be influenced by patronage and money, and the fact that General Egan had just come from the President's, may account for his so great accuracy in "guessing" so exactly what senators would vote for acquittal.

It will be necessary to advert further hereafter to evidence showing how the President was kept advised of how votes of senators were "settled."

WHAT APPEARS AS THE "CHASE MOVEMENT" SO CALLED.

Soon after the commencement of the trial, James F. Legate, special agent of the Post Office Department, in Kansas and New Mexico, came to Washington on business connected with his position. He was sent for, as he testifies, by N. G. Taylor, Commissioner of Indian Affairs, and by him desired to aid in procuring votes for the acquittal of the President, and for the details of the plan of operations was referred to General Thomas Ewing, who was largely engaged as attorney to contractors in the Indian Bureau, who thereupon referred Legate to Perry Fuller, for a further explanation of the *modus operandi*; Mr. Legate being assured that he should be enabled in some form to realize a large sum of money either in purchasing goods for the Indian department or otherwise.

In order to understand the pertinency of the reference, in such matters, to Perry Fuller, his connection with the government and with senators is necessary to be described. It appears in evidence that Mr. Fuller has for years, in company with Governor Kearney, Osborne, and others, been very largely engaged in operations in the Indian country, and especially in supplying the Indians with goods; that branch of the business alone being of so great an extent that, between April 4 and May 5 this company received drafts to the amount of \$112,113 66 from the Indian Bureau, and on one draft for \$47,916 10 of date May 5, the date is material, and the draft was passed through the treasury bureaus specially for him, and he was in such haste to receive the money that he endorsed thereon the name of Thos. Osborne, to whom the draft was payable, as if written by Osborne himself, without being able to produce to your committee any authority so to do, even by power of attorney—Osborne being at that time in Texas. All these drafts passed into the Central National Bank of New York, of which the collector of the port, Mr. Smythe, was president, and is a director. There is testimony also before the committee that Mr. Fuller boasted, in the Indian Department, that it cost him \$22,000 and upwards to procure the election of Mr. Ross as senator by the Kansas legislature.

It also appears that the closest intimacy and family relations have existed and still exist between Fuller and Ross—Fuller is the son-in-law of the person where Senator Ross lodges—and that Senator Ross was visited by Fuller on

the evening before the vote was taken on the 11th article, and that Senator Ross took breakfast at Mr. Fuller's on the morning of that vote.

Upon being referred to Mr. Fuller with whom he had before familiar acquaintance, Mr. Legate called on Mr. Fuller for directions as to the best method of proceeding to procure the acquittal of the President. Mr. Fuller informed him, in substance, that the best way to accomplish that result was to inaugurate a movement to nominate Mr. Chief Justice Chase for the Presidency, and to interest senators in such a movement; that it was very desirable that Mr. Pomeroy should be induced to take part in such movement and vote for the acquittal of the President, because Senator Pomeroy's vote would be a justification of Senator Ross's in the same direction, whose vote, Fuller assured Legate, could be obtained if necessary. Legate was further informed that large sums of money could be procured to sustain this movement. Legate being willing, as he says, to make some money, consented to enter into the scheme, and agreed to aid it by promising to secure Mr. Pomeroy's vote, which would excuse Ross. Legate early learned that the "Chase movement" was synonymous with procuring the votes of senators by purchase by money or Executive patronage, or both; and it was agreed between him and Fuller that for \$50,000, of which \$25,000 should be paid down, he would undertake to procure the vote of Mr. Pomeroy.

There was some difficulty as to who should be stake-holder, and whether any assurances could be made that Mr. Pomeroy would take part in the Chase movement. It was thereupon agreed that Mr. Gaylord, a relation of Mr. Pomeroy by a former marriage, should be brought in as stake-holder, it being understood by the parties that Mr. Gaylord's taking a part in the business should be taken as a guarantee of the assent of Mr. Pomeroy, whereupon Fuller introduced Legate to Mr. Edmund Cooper, late private secretary to the President and later still, and then, Assistant Secretary of the Treasury *ad interim*. Upon being so introduced, Mr. Cooper entered into a series of negotiations with Mr. Legate to procure Mr. Pomeroy's vote, and to enable Legate to act understandingly, unfolded to him the state of the vote as understood by the friends of the President, and the means by which funds might be raised to carry out that enterprise. Mr. Cooper assured Mr. Legate that in addition to the democratic vote the President was sure of the votes of Senators Fessenden, Grimes, and Trumbull; that he had secured the votes of Henderson and Fowler, and although the latter was embarrassed by some declarations that he had made, "that the President ought to be impeached," yet he was sure of holding him ultimately; that the President depended upon the vote of Senator Sprague "through the influence of the Chief Justice, who was so violently opposed to impeachment that he could not speak pleasantly on the subject," and that Cooper believed the vote of Senator Anthony would follow that of Mr. Sprague. It is to be remarked here, however, in justice to these gentlemen, that there is no evidence that Cooper pretended that any one else but the Chief Justice had approached either gentleman, (Sprague or Anthony,) or that *they* had given to anybody any intimations or assurances on the subject.

Cooper also informed Legate, as Fuller had done, that they could have Ross's vote if it were necessary, through Fuller, but that owing to Ross's situation in Kansas it was not desirable that he should vote for acquittal unless Senator Pomeroy did, except as a last resort. Mr. Cooper further said to Legate that money should be raised for this enterprise and also to pay Legate and Gaylord for their services through settling with the whiskey men of New York, the cases of seizure there and at Brooklyn and Jersey City; that as Assistant Secretary he had ordered lists of all the seizures in those districts to be made out, and would send an agent to New York to arrange and settle the cases, and having procured the list of seizures which he exhibited to Legate, he (Legate) was to go over and act as a friend of the parties to be settled with, either by himself or Mr. Gaylord, and receive commissions therefrom as a payment for his servi-

ces in the above explained "Chase movement." Meanwhile Gaylord had been sent for and introduced by Legate to Cooper, but neither Legate nor Gaylord having any credentials from Mr. Pomeroy, Cooper was doubtful about going on with the negotiations without Mr. Gaylord would make him a proposition from Mr. Pomeroy, which Mr. Gaylord, having no authority, declined to do, so that for a time the negotiation languished, but afterwards as the trial drew nearer its conclusion, Cooper became "immoderately anxious" and himself wrote for Gaylord at New York to come and continue negotiation. Before this, however, the lists of the whiskey seizures having been procured by Cooper, and a letter of authority to a government agent who should go over and settle them, shown to Mr. Legate, on the 22d of April Legate went to New York for that purpose.

Meanwhile Mr. J. E. Risley, of the internal revenue department, through whose instrumentality these lists were procured, without the authority of his superior, Mr. Rollins, went over to New York to take part in these settlements, and was there as will appear by the following telegram :

Personal.

NEW YORK, April 23, 1868.

Hon. ED. COOPER,

Assistant Secretary Treasury, Washington, D. C. :

Any orders for me ? Please write me by to-day's mail. I shall remain until Saturday morning.

J. E. RISLEY.

It would seem from what occurred afterwards between Mr. Legate and Cooper, that Mr. Risley's presence there was considered in the light of an interference rather than otherwise, he never having been authorized to settle the cases apparently as Cooper claimed, undertaking to do on his own motion what Legate was to do. However, nothing was effected, and Legate returned to Washington, and was told by Cooper that the reason why the settlements were not made was because Mr. McCulloch was frightened out of it because of information received by him that he would be held responsible for such proceedings.

As the trial went on Mr. Cooper became alarmed lest the acquittal should fail, and sent again for Legate and for Gaylord, and promised to send a messenger to New York to arrange satisfactorily the matter of the money.

It being Legate's point to get the money into his hands, and Cooper's not to pay until he got assurances of the vote or the vote itself, there were difficulties in the negotiations ; but such was Cooper's anxiety that at last he concluded to rely upon the assurances of Legate, and pay the money ; and a messenger was sent to New York for that very purpose, and which messenger Legate believes was Perry Fuller, who did go to New York on the 6th of May—but the negotiation broke off, as it would seem, because other arrangements had been made through other parties at that time, as will hereafter appear by examination of the testimony of Thurlow Weed and others in connection with Woolley, wherein it was proposed to purchase the votes of senators at a less price. Gaylord and Legate, apparently taking advantage of Mr. Cooper's necessities, had risen \$50,000 on their demand.

Your committee have now given the main points in the testimony of Mr. Legate, and if any considerable portion of it is worthy of credit, then the intentions and endeavors of Mr. Cooper, who is shown by most indubitable evidence to have been on confidential relations with the President upon this very subject, to secure corruptly senators' votes, and Cooper's actual confession that he has done so is most fully established.

The most obvious criticism on Mr. Legate's credibility is that he was *particeps* in a corrupt enterprise, and, upon his own showing, a willing one. Therefore it would seem to be proper to examine how far his testimony is sustained by facts and circumstances or corroborated by the testimony of other witnesses whose testimony is unimpeached.

In the first place, then, Legate's relation to the parties is one in which he might naturally be employed.

2d. He testifies that for the purpose of carrying on this negotiation his leave of absence was extended at the request of General Ewing and Mr. Ross, and in this he is corroborated by the Postmaster General and General Ewing.

3d. He testifies that he was introduced to Mr. Cooper by Perry Fuller, and in this he is corroborated both by Mr. Fuller's testimony and Mr. Cooper's.

4th. Cooper confesses he was in the negotiation with Legate about the purchase of Mr. Pomeroy's vote, and endeavors to avoid the evidence of corruption on his (Cooper's) part in the manner hereinafter set down.

5th. He is corroborated in many particulars by Mr. Gaylord as to his being here and being introduced to Mr. Cooper upon this business, and the several negotiations between himself and Cooper.

6th. A series of telegrams between himself and Gaylord, the dates of which and contents are only to be explained consistently with Legate's account:

[Telegrams.]

NEW YORK, April 21, 1868—4.35 p. m.

Willis Gaylord to J. F. Legate:

All right. I will be there at 9 o'clock.

NEW YORK, May 6.

W. Gaylord to J. F. Legate:

Have not seen any party, nor heard from any one yet.

NEW YORK, May 7.

W. Gaylord to J. F. Legate:

Business such I cannot leave to-day. Can't you do it without me?

NEW YORK, May 9.

W. Gaylord to J. F. Legate:

Make appointment for me to meet that party Monday morning.

WASHINGTON, May 9.

J. F. Legate to W. Gaylord:

Am requested to say complete things there to-day, and come over to-night. Answer.

7th. Cooper admits and Gaylord swears to communications, both personal and in writing, between them, as described by Legate.

8th. Perry Fuller himself testifies, after much cross-examination, that he was empowered by Cooper to offer Gaylord \$40,000 toward the "Chase movement," dependent upon the event of the President's acquittal.

9th. Legate is sustained in his statement that Cooper obtained lists of the whiskey seizures in New York to be settled in the way Legate indicates, by the fact that Risley and Cushing, of the Internal Revenue Department, testify they prepared such lists as Legate describes upon the order of Cooper, without the knowledge of Mr. Rollins, the Commissioner, or without any record of said lists having been made either in the Internal Revenue or the Treasury Department, which could have been known to Legate only in the way he asserts.

10th. By the fact that Mr. Legate went to New York, and obtained an interview with Mr. Bleeker, of the Internal Revenue Department, there at the time he states, and for the purpose he states.

11th. Legate states that, after he returned from New York, Cooper became alarmed lest the connection between them had in some way become known, and directed him not to be calling at his room except late at night, and not to have it appear that there was intercourse between them.

There is a very remarkable piece of evidence sustaining Legate upon this point, and bearing largely upon his whole testimony.

The committee called Andrew T. Lacy, then a citizen of Memphis, Tennessee, before them, who appeared, upon various sources of evidence, to have been a

sort of factotum or go-between for Cooper and his coadjutors during the impeachment trial, and who, apparently as a reward for his labors, has been nominated by the President collector of internal revenue at New Orleans, a most desirable position for a corrupt man. Lacy testified as follows :

Question 106. Do you know James Legate?—Answer. Yes, sir.

Q. 107. When did you become acquainted with him?—A. Perhaps the latter part of April.

Q. 108. Where did you first see him?—A. In Colonel Cooper's room at the Metropolitan Hotel.

Q. 109. How long did you continue to see him there?—A. For a week or two.

Q. 110. During that time, did you carry any messages from Leggett to Cooper?—A. No, sir, not during that time. I never saw Leggett in Cooper's room after I carried the first message from Leggett to Cooper; but I saw him at the hotel.

Q. 111. What were the messages that you received?—A. There was a variety of them. They were none of them intelligible to me.

Q. 112. Such as what?—A. Such as "all right." "Is it all right in New York?" "Can you bring him from New York here?" "Can you send a special messenger to New York?" and such as that back and forward without being intelligible to me.

Q. 113. Down to what time did that kind of message continue?—A. Down to a few days before the senators made their speeches in regard to the articles.

Q. 114. Till about the 7th or 8th of May?—A. I don't remember the day of the month; down to Thursday or Friday before the speeches of senators on Monday.

Q. 115. Did Legate intrust you with any message on that day?—A. Yes.

Q. 116. What was it?—A. It was to the effect that the matter must be arranged before 3 o'clock the next day, or he was off.

Q. 117. What did Cooper say to that?—A. He said, "Very well, let him be off."

Q. 118. I believe you told us before you were friendly to Colonel Cooper.—A. Yes, we were old and intimate friends.

Q. 119. What has been your business here this winter?—A. I was an applicant for the place of collector of internal revenue at New Orleans.

Q. 120. Had you any other business?—A. Only attending to some business for friends.

It is a settled rule of law that where an accomplice gives evidence against his fellows, the jury are permitted to rest a conviction upon his testimony if he is corroborated in any important particular by other testimony; and treating Legate as harshly as to place him in that category, in our judgment his evidence is fully competent and sufficient to establish the guilt of Cooper and his associates.

But it does not lie in the mouths of his accomplices to object to his character. That Legate may not be immaculate, is true. But are they? Is he not a good witness to transactions such as theirs? When one proposes to prove the transactions of the domain of the prince of darkness, one does not summon the saints for witnesses.

The most complete and stringent corroboration of the truth of Legate's narration, however, appears in the account which Cooper and his associates attempt to give of the transaction, and the strenuous exertions they make to implicate Senator Pomeroy with themselves by forgery and perjury, in which attempt, in the judgment of your committee, they essentially and completely fail. Also by a corrupt attempt to suppress Legate's testimony and get rid of him as a witness, and, in the words of Perry Fuller, "to dry up this investigation."

The account of Cooper, Assistant Secretary of the Treasury *ad interim*, of his transaction with Legate is, substantially, that Mr. Legate called on him, so far as appears, without previous introduction, "claiming that for a consideration, the amount not fixed, Mr. Pomeroy would be willing not only to control his own vote, but a sufficient number of votes to ensure the acquittal of the President."

In answer to that proposition, Mr. Cooper "led him to believe" as follows :

Question 8. Did you kick him down stairs?—Answer. I did not.

Q. 9. What did you say to him?—A. I led him to believe that I put trust and confidence in what he said, knowing at the time that he was deceiving me; and I intended, instead being caught by a fisherman, to catch the fisherman.

That in pursuance of this plan he procured the interview with Gaylord through Legate, and afterwards wrote to Gaylord and procured other interviews; that Gaylord and himself could not agree upon terms, because, as he says Gaylord

alleged, Mr. Pomeroy required \$40,000 in money to control his own and four other votes; but Cooper admits that proposition was entertained by him, but asserts that it was wholly for the purpose of catching Mr. Pomeroy, and that he required of Legate a letter from Mr. Pomeroy before he would entertain the proposition; that such a letter was brought him which he knew to be in the handwriting of Mr. Pomeroy, and read and shown to him by Legate in the presence of Gaylord on his first introduction, and that he never saw or had any personal intimacy with Mr. Legate after he saw Mr. Gaylord.

IS THIS A CORRECT ACCOUNT OF THE TRANSACTION?

In the first place Mr. Pomeroy testifies that he never gave any such letter. Mr. Legate testifies that he never carried any such letter. Mr. Gaylord testifies that he never saw or heard read any such letter, and if Mr. Cooper's object had been simply to catch Mr. Pomeroy, would he not have retained the letter when it was shown him, it being all the evidence he desired to catch Mr. Pomeroy? Thus there would have been a successful end to this attempt to "catch the fisherman?"

Now, the telegrams between Legate and Gaylord, above mentioned, show that as early as the 21st of April, at least, Cooper had seen Gaylord and the negotiation had begun, and it was not "off" upon the testimony of Lacy till Thursday or Friday, the 7th or 8th of May; and in the meantime Cooper had written to New York and sent several messages to have Mr. Gaylord come and see him.

Cooper had also procured lists of the whiskey seizures for the purpose of raising money, and upon the testimony of Perry Fuller, his accomplice, had authorized Perry Fuller to offer Gaylord \$40,000 for the "Chase movement" in the event of acquittal; and so far from Mr. Legate coming to him as a volunteer with this corrupt proposition, as Cooper pretends, Legate had been brought to him and introduced to him by Perry Fuller, and Cooper had employed his go-between, Lacy, as appears by his testimony, to carry messages between him and Legate, couched in such language that Lacy could not understand them. If it had been Cooper's object to catch Mr. Pomeroy, or Legate, or Gaylord, would he not have held on to this letter of Pomeroy's, or at least required a copy of it, and also so framed his messages that Lacy, his friend, could have been a witness to them, and thus destroy Legate?

It will be also remarked that on the morning following Cooper's examination before the committee, he caused to be published in the National Intelligencer what purported to be a copy of a letter of Senator Pomeroy, although he testified that the letter was simply shown to him and that he retained no copy. This haste to implicate Senator Pomeroy would have been suspicious enough if it had stood isolated, but Legate testifies and in that he is confirmed by Perry Fuller and the Postmaster General, that on the very afternoon of the day on which Mr. Cooper was examined, he (Legate) received an order through Perry Fuller from the Postmaster General to go immediately to his post in Kansas, apparently so that he might not be called upon before the committee to contradict Cooper upon the existence of the Pomeroy letter. So eager were those interested to get Legate out of the way, that Perry Fuller advanced the money to him with which to go, on an order upon the Post Office Department, and agreed to give \$1,644, being the amount of a mortgage Fuller knew was outstanding on Legate's house, about being foreclosed, as the price of all the papers, letters, and telegrams which had passed between Legate and Gaylord in relation to their negotiation with Cooper, which documents Fuller bought for the purpose, as he phrased it, "of drying up the investigation" by your committee.

Of the truth of this part of the testimony of Legate, there can be no doubt, because Fuller, upon his examination, produces these identical papers, and

Legate, being summoned from Kansas, produces the draft for \$1,644 in Fuller's handwriting.

For what did Fuller, Cooper's friend and confidant, pay this \$1,644, after all the negotiations were broken off, if each of them were guiltless? This, however, is but one of the ramifications and complications of this conspiracy against Mr. Pomeroy and the republican senators.

Cooper asserts that he entered in the negotiation with Legate with the deliberate purpose, in case he was successful in catching Pomeroy, to hold the rod thus acquired over the heads of Pomeroy and other republican senators, thereby to control their votes, or, in his language, "have him under his thumb," thus admitting his own corruption in intention and in fact.

As your committee was engaged in examining the question of the alleged involution of Mr. Pomeroy in this affair, two striking pieces of information were laid before it:

1. Mr. Wykoff and Mr. Worrell, clerks in the Treasury Department, testified that a Mr. Luce, also clerk in that department, had said in conversation that he had been offered \$1,000 by some persons, whose names he refused to tell to the witnesses, to write a letter and sign the name of Senator Pomeroy to it, pledging his support to the confirmation of the President's nominations, and also in case of impeachment, and that Luce had further stated that he could write Pomeroy's hand so that Pomeroy could not distinguish it from his own signature; that, when offered this sum, he was assured the letter would only be shown or read and then would be brought back to him and destroyed in his presence so that he might be safe from prosecution for forgery.

2. The fact was asserted by Thurlow Weed, in his newspaper, that the President had such a letter.

Luce was thereupon brought before the committee, and upon being confronted by Wykoff and Worrell, testified that he had stated substantially as above set forth; that it was true as stated that he was offered the \$1,000, and had peremptorily declined to write the letter as requested, although a form or draft of letter was produced to him, but that within a week afterward he had heard that the copy of such a letter was on file in the Post Office Department, and he averred that J. F. Legate was the person who presented him the draft of the letter and offered him the money.

Mr. Legate upon being called testified that he never made any such offer to Luce, or ever heard or knew of any such letter as was described; that on the 19th of April, 1867, he asked and obtained of Mr. Pomeroy a letter, which is as follows:

WASHINGTON, D. C., SENATE UNITED STATES,
April 19, 1867.

SIR: I would most respectfully represent that the building of two new lines of railway in Kansas creates the necessity, not heretofore existing, for the appointment of a mail agent for said State. The routes made legal by these roads changes almost entirely the mail service of Kansas.

And that this service may be better regulated and performed I very earnestly ask for the appointment of Hon. James F. Legate, of Leavenworth, to this office.

I am, very truly, &c.,

S. C. POMEROY,
United States Senate.

GOVERNOR RANDALL, *Postmaster General*.

That the Senate being then in session, Mr. Pomeroy told him to make a draft of the letter and get Mr. Luce, who was the clerk of the Committee on Public Lands, to copy it; that Luce, not being friendly to Mr. Legate, refused to make the copy, of which Mr. Legate informed Mr. Pomeroy, who wrote it himself; that Legate then took the letter to the Postmaster General on the next day and was appointed postal agent, which office he now holds, and that this was the only letter of which he had any knowledge recommending him for office, written by Mr. Pomeroy.

Legate further testified that Luce, a brother-in-law or other connection of Perry Fuller, was a man of bad character in Kansas; had been arrested for stealing cattle from the Indians; that when Legate came here a year ago he found Luce clerk of the committee of which Mr. Pomeroy was chairman, and informed him of Luce's bad character, and thereby caused his discharge from the clerkship of the committee, which was the source of Luce's ill feeling towards Legate.

Upon this conflict of evidence, the committee called before it the Postmaster General, who confirmed Legate by producing the letter of Mr. Pomeroy above set forth, from the files of the department, and testified to the fact that Legate was appointed because of this recommendation on the following day. The Postmaster General further testified that Cornelius Wendell, before the date of that appointment, showed him a letter, which looked like Pomeroy's handwriting, but refused to allow Mr. Randall to retain it. Wendell sat down there and made a copy of it, taking the original letter away with him, which copy Randall almost immediately carried to the President, who had retained it ever since, until he produced it in reply to a note, asking for it, from the committee.

The letter is as follows:

UNITED STATES SENATE CHAMBER,
Washington, April 16, 1867.

DEAR LEGATE: I want you to see the Postmaster General in person, and ask him for the post office at Leavenworth, and if he will give it to you to-day, he may count on my support for his nominations; and should either himself or the President get in trouble, even if it be impeachment, they can count on me to aid in getting them out, by word and vote, and you may say so to him. Don't go home without making the trial, and make it in earnest. I sent for you last night, but could not find you. Burn this as soon as you have read it.

Very respectfully,

S. C. POMEROY.

True copy:

C. W.

The Postmaster General further testified that this note being addressed to Legate, he thought there was "something curious" about it, and asked where Legate was and what Wendell had to do with it. Wendell replied he was employed to bring it in, and that Legate was then either "outside or at the hotel."

Wendell was called and testified, in substance, on this point, that Legate, with whom he had scarcely any acquaintance, and to whom he had been introduced only, asked him to take this letter to the Postmaster General and get him an office, because he supposed Wendell had some influence; that he did so, and left the original letter with the Postmaster General on the first occasion while there, (and in this he contradicts Mr. Randall,) and that he does not know that he ever took it away, although he made a copy of it, because he thought it might "be useful in the great hereafter." He does not know where the letter is, or whether he took it from the Postmaster General's office at the first interview or not. Wendell will, afterwards, in this evidence, be found to be an active agent in the acquittal of the President, and a correspondent with Thurlow Weed on this topic. Wendell's evidence is not of a reliable character, as will be perceived on examination.

It will be observed that this very remarkable letter, which bears on its face such signs of impropriety as to have aroused Randall's suspicions, and of so great consequence that Wendell's certified copy, instead of being left on file at the Post Office Department, was carried to the President, bears date of 16th April, only three days before Legate himself produced the very properly worded genuine letter of Mr. Pomeroy, in relation to the postal arrangements in Kansas, which was left on file, and upon which Legate received the appointment which was asked for.

The Postmaster General with such a letter, apparently from a senator, making promises which were evidence of corruption, brought to him in this surreptitious manner, containing an injunction that it should "be burned as soon as read," and not addressed to him in any manner, either officially or personally, had a

copy made of it by the person who brought it, although, as he was informed, the one to whom it was addressed and could vouch for its genuineness was "outside," carried that copy to the President, evidently to hold as a "rod" over Mr. Pomeroy to influence his action as a senator of the United States. It is difficult to understand, if this had been a genuine letter, that such use of it was not corrupt. If it were a false one, as Legate, Pomeroy, and the other evidence show it, and as on its face it appears to be, and the whole testimony makes plain, then the use made of the letter and the failure to notify Mr. Pomeroy of its existence is more deeply corrupt.

It is believed that no candid mind can examine this testimony about the letters, as well the letter pretended by Cooper to have been shown him as the one copied by Wendell, and believe they are not forgeries by the same hand and for the same purpose, and made much nearer together, in point of time, than their pretended and unsubstantiated dates would show, to wit: after the resolution of impeachment. That they and each of them have been used for corrupt purposes is stringent evidence that they were in like manner procured, especially, in view of the admitted ability of Luce to counterfeit Pomeroy's handwriting, his position in the Treasury Department in subordination to Cooper, the Assistant Secretary, and his near relationship to Perry Fuller, who is shown to have corruptly endeavored to suborn a witness and pay the large sum of \$1,644 to defeat this investigation.

Mr. Pomeroy's account of his knowledge of the letter is inserted here because it shows that the very use was made of the letter for which it was apparently procured.

[From the testimony of S. C. Pomeroy.]

Question. I would now ask if a letter under date of April 16, purporting to be signed by you, a copy of which obtained from the President is now in your hands, addressed to James F. Legate, was in the original written by you or your order, or to your knowledge, or signed by you?—Answer. Not a word of it was ever written or directed to be written or signed by me.

Q. When did you first know or hear of the existence of the letter?—A. I was told by Henry A. Smythe, collector of the port of New York, about the 8th of May, or a few days before the vote of the Senate on the 11th article, that the President had a letter of mine in his possession which committed me to vote for his acquittal, although he said the letter was dated some months before. I told him it was false; the President had no such letter. He then said he had seen it and read it, and I told him it was a forgery, and challenged him to produce it.

Q. Was the letter ever produced to you?—A. I never saw the original nor any copy of it until now.

Q. When did you next hear of it?—A. I saw an allusion to it in a card published by Thurlow Weed.

Q. Have you now stated all you know of the letter?—A. I have stated all I know of the letter save what I heard had been testified to before the committee.

HOW MONEY WAS RAISED.

In addition to the sum raised in November by Collector Smythe, of New York, Mr. Ralph W. Newton, the witness who told Senator Wilson that he was present at the President's table when the manner of purchasing senators' votes was discussed, and telegraphed:

WASHINGTON, May 16, '68—5.20 p. m.

H. A. SMYTHE, *New York*:

Twenty-two votes were sure on other articles and twenty-one on that (eleventh article) if necessary. Drink.

R. W. N.

And also *before* the vote as follows:

WASHINGTON, May 15, 1868.

H. A. SMYTHE, 21 East 14th street, New York, 8 p. m.:

Conceded vote will be taken and our side win.

R. W. N.

And then thus testifies :

Question 102. Did you not give out what the vote would be before it was taken ?—Answer. I think I did ; and I believe I guessed right.

Q. 103. Did you guess so nearly right as to ask other people to act on your judgment ?—A. No, sir.

Q. 104. Did you not communicate it to other parties ?—A. Certainly ; I did to my partners in New York.

Q. 105. Then you carried on your business on the strength of your guess.—A. Entirely.

Q. 106. You were so certain that you had guessed right that you thought it safe to act upon it ?—A. Well, I did act upon it in my business ; in no other way.

Mr. Newton also seemed, in conjunction with Mr. Smythe, to have been engaged in manipulating the newspapers. It will be remembered that in its issue of the 14th of May the Chronicle contained severe strictures upon the course of the Chief Justice. That occasioned the following telegram from R. W. Newton :

WASHINGTON, May 15, 1868—4.10 p. m.

H. A. SMYTHE :

Have the article on Chase in this day's Chronicle copied in all friendly papers with only these remarks : " We have no comment to make on the above editorial of Forney, relating to the late senator, Secretary of the Treasury, and present Chief Justice of the United States." *Be sure to-night.*

R. W. NEWTON.

From all these sources of evidence it will be seen that Newton was sufficiently friendly to the President that his evidence, for all that he will testify bearing against him, may be received as correct. He testifies to the raising of \$100,000 for the use of the President in the manner following :

Question 144. Have you known from any information whatever of any money being raised to be used directly, or indirectly, in or about the impeachment case ?—Answer. No, sir.

Q. 145. Have you heard from any person that money was so being raised ?—A. A purse of \$100,000 has been raised for President Johnson.

Q. 146. By whom ?—A. By various of his friends, to be given to him if he was turned out of office ; and if not, \$50,000 was to be given to him. That is all the money I know of being raised.

Q. 147. Who has been engaged in it ?—A. I know Mr. Smythe well enough to say that he was a subscriber. It was raised by a gentleman whom I had the honor of introducing to the President, Mr. William H. Appleton, of New York.

Q. 148. Were any subscription papers handed round ?—A. Never to my knowledge.

By Mr. WILLIAMS :

Q. 149. Do you know whether any part of that fund was subscribed here by any parties ?—A. No, sir, it was entirely raised in New York.

Q. 150. You did not join in it ?—A. I have not to my knowledge. If Mr. Smythe has put my name down for a thousand or two I shall be glad of it. I should be perfectly willing to give him what little I could afford, if he was displaced.

It also appears from the testimony of E. H. Webster, collector of the port of Baltimore, that \$2,500 was raised among the employés of the custom-house, and others in that city, ostensibly to pay the President's counsel. From the testimony of Mr. Cooper it appears that \$2,700 was raised in Philadelphia for the same avowed purpose, and that he received \$500 from New York from a source which he does not disclose. Of this fund Mr. Cooper was treasurer. Woolley testifies also that he received \$5,000 from Sam. M. Murphy, of Cincinnati, for the same alleged purpose of paying the President's counsel ; but from the evidence, your committee are convinced that Woolley's testimony was false as to the object with which that money was procured.

Thurlow Weed's testimony showed how easily money would be raised for any purpose connected with the trial.

Q. 157. Have you raised any money, or procured it to be raised, to be used for any purpose in relation to the President since the articles of impeachment were filed ?—A. Yes, sir.

Q. 158. How large a loan ?—A. I have not actually raised anything beyond a moderate sum ; but I have contemplated raising some \$7,000 to \$10,000, to pay legal expenses.

Q. 159. Have you received for the purpose above from \$7,000 to \$10,000 from any parties ?
A. I have not received a dollar from any parties.

Q. 160. Have you a subscription?—A. No, sir. I have talked with gentlemen who have said that any reasonable sum that would be proper for them to pay they would pay, after the trial was over, for these legal expenses.

Q. 161. Do you know of any sum having been received?—A. I do not.

Q. 162. You know of none whatever having been raised?—A. Perhaps I ought to qualify when I say I do not. I think one or two thousand dollars have been raised for that purpose, although it did not pass through my hands; but I think I know a gentleman in New York who did it. But while I engaged to assist in raising from \$7,000 to \$10,000, it was to pay legal expenses of the trial.

It would seem to be established that raising money for the President's counsel was like the phrase "Chase movement"—only a means to procure the acquittal of the President.

Your committee have only given these sums as samples of the money which may have been raised in other parts of the country. It is not reasonable to suppose that the raising of money either for counsel or corruption, or both, was confined to a portion of the office-holders of Baltimore, Philadelphia, New York, and Cincinnati alone. Of the 41,000 offices within the President's gift there were many more, interested in the question of his acquittal, than those only in the cities named, so that your committee have not thought it profitable to expend time or cost of sending for witnesses to prove the fact of raising money elsewhere, which, upon a little reflection upon the testimony already adduced, is self-evident.

HOW CAME THE "HENDERSON MATTER ALL RIGHT," AS COOPER SAYS.

It will be recollected that early in the negotiation with Legate, as he testifies, Cooper, who was the treasurer of the fund, told him "he had secured Henderson's and Fowler's votes." In this Legate is entirely confirmed by the following facts and the written statement of Cooper. On Monday, the 11th day of May, opinions favorable to the President were given by Senators Fessenden, Trumbull, Grimes, and Henderson; but Mr. Henderson gave an opinion against the first eight articles only. It was then supposed the vote would be taken the next day; but the vote was in fact put off till Saturday, the 16th. Of this condition of things Woolley gives the following description in his telegram to L. A. Harris, of Cincinnati, Ohio, who is one of Mr. Johnson's collectors of internal revenue:

WASHINGTON, May 12, 1868.

The big guns fired yesterday. Our guerillas will shoot to-day. Ben Butler says it is Bull Run No. 3. Get your powder and cannon ready for to-night.

(Signed,)

HOOVER, Jr. (alias Woolley.)

The phrase "the big guns" and "our guerillas" to any person acquainted with the seven senators who voted for acquittal will need no explanation. The description is as strikingly accurate as it is familiarly possessive. Woolley could well say "our guerrillas."

Drawing upon the testimony taken before another committee of the House to to examine into any alleged interference with Senator Henderson, it will be found that on the 12th of May, Mr. Henderson had assured the delegation of his State, who were surprised at what they deemed his change of purpose and of judgment in the opinion he had given, and who had called upon him at his request, that he would either resign his seat or vote for conviction on the 11th article, and withhold his vote upon the other articles upon which he could not vote for conviction, and his final decision was to be by him announced to his friends at 12 o'clock of the 13th.

The interview between Senator Henderson and the Missouri delegation is so important to the understanding of how the "Henderson matter was all right;" that we give copious extracts from the testimony before the committee.

Mr. Charles H. Howland, a member of the legislature of Missouri which elected Mr. Henderson, testifies :

I called to see Senator Henderson that morning, (Wednesday, May 6,) and we spoke on the subject of impeachment and of its results. The senator informed me, or intimated to me, that it would fail. I expressed to him what I thought was the feelings of the citizens of Missouri upon the subject, among whom I had lately been. I cannot recollect the whole conversation, but we discussed the matter at some length in a friendly way. The senator said to me, among other things, "Do you not think it would be better for the radical party that the President should be acquitted; that there be a new cabinet, composed entirely of radicals; that the patronage of the government be given to the radicals, and that the President approve of the congressional plan of reconstruction?" I said I thought that was impossible. He replied that he thought that would be the result. He said he could not vote for any of the articles of impeachment but the eleventh article. I said to him at that time that I thought the radical party would not recognize as a radical any man who would enter the cabinet of President Johnson, and consequently I thought that plan would be entirely unsatisfactory as a party question. * * *

I accordingly went to Senator Henderson's room about the time named on the morning of the 12th. I think I was about the first person who arrived there. Immediately afterwards, Mr. Anderson, of Pike county, Missouri, a member of the House of Representatives, came in, and, within a few minutes, Mr. McClurg, Mr. Gravely, Mr. Newcomb, and Mr. Pile arrived. General Loan was not present, neither was Mr. Benjamin and—

* * * During the conversation that ensued, Senator Henderson made the remark: "Gentlemen, I thoroughly appreciate your motives in calling to see me, and the wishes of your constituents. I have already expressed myself in the Senate upon the first eight articles, and I cannot, as a man of honor, vote contrary to that expression. My resignation, however, is at your disposal. I will telegraph my resignation to the governor of the State, and you can select one of your number to succeed me. By four o'clock this afternoon you can have a reply from the governor announcing that my successor has been appointed, and I will be perfectly satisfied with the result," or something to that effect.

I replied: "Senator, we do not desire your resignation. Why cannot this matter be adjusted in this way; you withhold your vote on those articles upon which you cannot vote affirmatively; and upon the 11th article, and those articles upon which you can vote affirmatively you can cast your vote." He said: "Certainly that will be satisfactory to me; I will do that; or I will do anything except cast my vote for those articles against which I have given my opinion." That I think was about the language, almost word for word. Some conversation then ensued as to a new appointee being legally entitled to vote on the articles to decide on acquittal or conviction. Senator Henderson assured them that it was legal and proper—that he had taken the trouble to investigate the subject and found it to be sustained by precedent. He referred, I think, to a precedent or decision in the Pickering trial. He assured the delegation there would be no difficulty on that question.

Just then, Captain Cutler, who had entered the room about the time the last of the delegation came in and was sitting there, spoke about in this way: "Gentlemen, would it not be a great deal better for the radical party if the President should be acquitted; a new cabinet appointed, composed entirely of radicals, and Senator Henderson have the control of the federal patronage of the State of Missouri?" There was an expression from two or three of those present, I think, that such an arrangement was impossible, and Senator Henderson and Captain Cutler replied almost simultaneously that it could be done.

Colonel Gravely remarked that no such arrangement would be satisfactory to him or to his constituents; that they would have no confidence in any one who should accept an appointment from Andrew Johnson under such an arrangement. And the different members of the delegation concurred with him in that opinion. Senator Henderson then remarked, "Gentlemen, I would like to have you decide upon this matter, and give me your answer in writing before 11 o'clock to-day." After a few moments further conversation the delegation retired to the room of Judge Newcomb, General Cavender and myself going with them.

After some consultation together they decided upon making the request that I had suggested; that is that Senator Henderson should withhold his vote upon those articles upon which he could not vote affirmatively, and vote for the 11th article, and such others as he could vote for.

Question. They decided upon the letter which is the subject of this inquiry? —Answer. Yes, sir.

The Hon. J. C. Gravely, M. C., testified as follows :

Mr. Henderson said he thought the President ought to be convicted and removed; that he had acted, and still intended to act, on all great questions in harmony with the Missouri delegation, but as we seemed to be dissatisfied or surprised at the course he had taken, he would immediately telegraph his resignation to Governor Fletcher, and request him to appoint in his place any one of our delegation, or any one else we might recommend; that the credentials of his successor could be got here in time for the vote to be taken on the next Saturday. He said that if his course upon this subject did not meet the approbation of his friends he would prefer to resign. * * *

I understood that the object of our meeting had been accomplished; that was, to ascertain what our senator intended to do upon the general question of impeachment, and we bade him good morning, and were about to leave, when he himself said, "Gentlemen, in order that there may be no mistake about the matter, do you meet and consult together, and make your request to me in writing; and if, when I receive your request, I cannot conscientiously comply with it, I will resign." * * * *

We had a great deal of conversation with him that night. In the course of conversation he said in regard to resigning that if Johnson could be convicted and we did not wish him to resign any way, he would withhold his resignation; that he would let us know by 12 o'clock the next day: that he would see Mr. Anthony, Mr. Sprague, Mr. Willey, and Mr. Van Winkle, and if they would agree to vote for the 11th article, then the desire of the Missouri delegation, and of his Missouri friends generally, could be accomplished, and he would retain his seat; that if they would not do so he would let us know and resign, unless he determined to vote for the 11th article, which he said he had all the time intended to do; but in his judgment the Senate had wrongly refused to permit the vote to be taken upon the separate charges contained in the 11th article; that if the Senate voted upon the article entire, it would seem to endorse the Emory article, which he did not believe any one approved.

On the morning of the 13th, as was in evidence shown, a witness who was before your committee was informed confidentially that, unless the delegation got Henderson's promise before 12 o'clock, to resign or vote for conviction, they never would get it, as Craig had gone "to see" Henderson with *carte blanche* to give him whatever he wished to vote for acquittal.

Now Mr. Craig, thus mentioned, was the President of the "Hannibal and St. Joseph Railroad," and other railroads in Missouri in which Mr. Henderson is interested, and is collector of internal revenue in Missouri, and a former member of Congress. He testifies that on the *morning* of the 13th, which is fixed by both his testimony and that of Lacy, he went to Mr. Henderson and had a conversation with him. Of this interview Lacy testifies to a conversation in the Metropolitan Hotel:

Question. 39. What was said then?—Answer. To the best of my recollection there was a talk about Henderson's position—going to resign—between Sweetzer and McCormick, and two or three others and Craig, and they said if Henderson voted what he considered his convictions, and you all turned him out of the republican church, they would take him in.

Q. 40. These were democrats, were they?—A. They were such as used to be whigs.

Q. 41. Did they not require Craig to go up and see him and advise him not to resign?—A. I think they did.

Q. 42. Did not he ask you to go with him?—A. No, sir; I said it would not be in my place to go, as I was not a constituent.

Q. 43. You did not go?—A. No.

Q. 44. He did?—A. I don't know.

Q. 45. He started, didn't he? he left you saying he would go, didn't he, and left the party?—A. I don't remember whether he left the party first or I did.

Q. 46. Don't you remember he started to go and you came down the hall together?—A. It is possible.

Q. 47. Is it not so?—A. I could not say it was.

Q. 48. Can you say it was not?—A. No; I would not.

Q. 49. Did you have any doubt that he started to go according to the arrangement of the parties there?—A. I believe he did.

Q. 50. Now after he had gone up there did he not tell you that he had seen Henderson?—A. No, sir. He told me Henderson was not at home.

Q. 103. Was it on the 13th?—A. I do not remember the day of the month, but it was on the Thursday or Friday before the vote was taken. I think Craig called twice and that this was either Thursday or Friday.

Q. 104. Was it the day you told the fact to Mr. Cooper?—A. Yes.

Q. 105. Craig did go to see Henderson?—A. He told me he did that night or the next day. I got the information from Silas Woodson. When I returned from the post office I met Silas Woodson from Missouri, and he said, Henderson is going to "stick." "He is not going to resign." But I saw Craig afterwards and he told me.

Q. 58. Craig is a conservative of the copperhead persuasion?—He was a Union man in 1862. He is recognised as a conservative republican. That is what I understand; I know when speaking with democrats they call Craig a republican.

Q. 59. Then it was the other church they were going to take him into?—A. I think the understanding was that Craig was to stand by Henderson, and if they turned him out of the church he would go with him. There was no secret about it; it was in the rotunda of the hotel.

Q. 60. Did you communicate this to Mr. Cooper?—A. It is likely I did. Yes, sir, I think I did.

Thus it will be seen that Lacy testifies unwillingly, not remembering the date, that Craig did visit Henderson, and that he (Lacy) communicated the fact, and what he said of Craig's interview, to Cooper, on the same day, and that Craig communicated to Lacy and others the fact that Henderson would "stick."

Craig testifies that Lacy started to go up with him when he left the hotel, that he saw Mr. Henderson and had a conversation with him there, in which Mr. Henderson told him he had reconsidered his intention of resigning. These witnesses contradict each other, and are wholly unreliable, because Craig further testifies that he did not know how Henderson would vote until he was starting on the cars on Friday evening for home, and then he went home; yet Lacy testifies that it was Saturday afternoon that Craig told him Henderson's determination to "stick."

There is a piece of testimony however which determines the truth in this maze of contradictions, and failures to recollect, of these witnesses. On the 13th of May, Cooper sent to the President the following note, the original of which was produced before your committee, and the handwriting fully proved. [The note is marked "C."]

MAY 13.

DEAR MR. PRESIDENT: The Henderson matter all right. Lacy has been to see him with Craig—all right—so says Evarts.

Truly,

COOPER.

This note, taken in connection with the testimony, shows that the Henderson matter was made "all right" by Lacy and Craig having "seen" Henderson, and that it was "all right—so says Evarts," the senior counsel of the President, who is shown thereby to have interested himself in knowing that a senator had been "seen" and made "all right," and in keeping his client informed of the fact.

Yet only the night before, upon the testimony of Mr. Gravely, Mr. Henderson had informed the Missouri delegation that he was clearly of the opinion that Mr. Johnson was guilty on the 11th article, and should so vote or resign.

"He showed us that night," says Mr. Gravely,

A list of 36 Senators, besides himself and Senator Wade, who, he said, would vote for conviction upon the 11th article; and that if Johnson could be convicted and we did not wish him to resign, anyway he would withhold his resignation. He said he thought the President *ought to be convicted and removed*, that he had *acted and still intended to act on all great questions in harmony with the Missouri delegation*. But as we seemed to be dissatisfied or surprised at the course he had taken, he would immediately telegraph his resignation to Governor Fletcher, and request him to appoint in his place any one of our delegation, or any one else we might recommend—that the credentials of his successor could be got here in time for the vote to be taken on the next Saturday. He said if his course upon this subject did not meet the approbation of his friends, he would prefer to resign. I understood that the object of our meeting had been accomplished; that was to ascertain what our senator intended to do.

He was to give us an answer at 12 o'clock the next day, (the 13th.)

Was not the information of Legate on the morning of the 13th quite correct, "that unless the Missouri delegation got Henderson's promise before 12 o'clock, to resign or vote for conviction, they never would get it, as Craig had gone to see him?" And they never did.

What was there in Henderson's being "seen" by Craig and Lacy, that wrought this change? How did Craig's seeing him do more than the whole Missouri delegation could do? But then the evidence is that Craig had "carte blanche." We cannot have had a true account of this "seeing" from Craig and Lacy. Even they do not agree, because Lacy says he did not "see" Henderson at all, and Craig says that Henderson never told him how he should vote till two days afterwards—the Friday night following (the 15th); and Lacy swears that Craig did not inform him till after the vote, on the Saturday afternoon fol-

lowing, at a time when Craig testifies he was far on the road to Missouri, having left Washington the night before.

Again, how should Mr. Evarts be so early and well informed that Henderson was "all right?"

On the 15th, Henderson, even two days before Craig who had "seen him," swears he knew it himself, informed a correspondent, who telegraphed it, under the name of "Lockwood," to John R. Garland, a broker in New York, of this fact.

WASHINGTON, May 15, 1868.

JOHN R. GARLAND, *New York*:

Senator Henderson says conviction will fail by two votes. * * * *

LOCKWOOD.

So the gold room had the benefit of Senator Henderson's knowledge.

This information was furnished to Garland, as he testifies, upon an agreement "to make it for his advantage to furnish him with information." Henderson had told his delegation the night before (the 12th) he knew 36 votes, besides his own and Wade's, for conviction. What changed the minds of certain senators *ad interim*? All the arguments of the counsel had been made before that, and all the "big guns" had fired on the 11th. The question still recurs:

WHAT WAS THE INFLUENCE BROUGHT TO BEAR ON THE JUDICIAL CONSCIENCES OF SENATORS between the 12th and 15th of May, when Senator Henderson says "conviction will fail by two votes?"

The testimony of the Hon. James W. McClurg will tend to show how Senator Henderson conversed *after* Craig had "seen" him. It is instructive to compare the senator's statements to his delegation *before* with those after the "Henderson matter was all right."

TESTIMONY OF HON. MR. M'CLURG.

Question. State whether you have recently called on Senator Henderson, and when and where; had you any conversation touching his correspondence with the Missouri delegation and all that was said as near as you can.—Answer. I did call on Senator Henderson about 6 o'clock on the evening of 14th instant for the purpose of ascertaining what was his decision upon the matter alluded to. I did not call to represent the delegation, but as an individual. Senator Henderson handed to me in writing his reply to the delegation. He then stated to me in most distinct and positive language that the impeachment of the President would fail; that the second article would fail by either "at least" or "about" two votes, (I will not say which,) and the eleventh article would fail by three or four votes. To a question of mine whether he felt positive, he repeated the declaration. Henderson then stated that the President would—and my recollection is he said the next day—send to the Senate the names of new cabinet officers, all of whom would be republicans; and he also stated that the present cabinet officers were putting their houses in order (or words to that effect,) and that the President would favor the reconstruction of the late rebel States upon the congressional plan. As I could not believe the President would carry out any such intention, this idea seemed somewhat ludicrous, and Senator Henderson added, he thought the republican party would be strengthened and the democratic party weakened thereby. He added that he should adhere to the republican party; that he would stump the State of Missouri for the republicans, and expressed in favor of General Grant for the Presidency. Upon my asking if I might repeat this conversation to my colleagues, and being assured in the affirmative, I retired.

Q. Did Senator Henderson give this talk about the changes in the cabinet as matter of opinion, or matter of knowledge on his part? A. I understood of knowledge; and that I might have no doubt, I asked if it was an opinion, and he distinctly repeated it as a fact, and not as a mere opinion.

What outside connections with the President's case had Mr. Evarts, that gave him a knowledge that Henderson was "all right" at that time when the Missouri delegation had no such knowledge of his intentions, nor had his brother senators.

Mr. Evarts's means of information, however, may be explained by another piece of evidence.

WOOLLEY'S DINNER, WHO WERE THERE, AND HOW THEY GOT THERE.

On the 15th of May, the night before the vote was taken, at the time when Henderson said that conviction would fail by two votes, Mr. C. W. Woolley gave a dinner at Welker's. Who Woolley is and his connection with the impeachment, has been partly made known to the House in a preliminary report which will be appended hereto, and will be more at length considered in reference to all the evidence hereafter. At the dinner were present S. S. Cox, W. M. Evarts, W. S. Groesbeck, Colonel McDonald, of Maine, Colonel Cooper, late private secretary to the President, Woolley, Sam. Ward, and Craig. There was also one other person who plays a very important part in this drama—SHERIDAN SHOOK. Woolley's account of how the dinner came about, is as follows:

Question 594. Speaking of that dinner, did Sam. Ward have anything to do with giving that dinner?—A. Ward was at one end of the table, and I think Craig was at the other. What he had to do with it I do not know.

Q. 595. Did you ask Ward to have Mr. Evarts come and take dinner with you?—A. Yes, sir; I was giving a dinner, or rather I had asked Cox to dine with me, and I believe Shook; but when I was at Welker's about my room Craig heard it, and I spoke up and said, "I want a room too." Welker gave him one room, and me another. I said sometime during the day to Craig, "Who is going to dine with you?" He said Ward and Evarts. I said, "I have a small party, why should we dine apart? Suppose you propose to Mr. Evarts to come and dine with me instead of you." He said he thought it was agreeable, and afterward word came back to me saying it was agreeable, and hence we had the dinner on Friday evening, I think.

Q. Then Shook was not tight?—A. He was there Friday evening. It was on Saturday evening that I say he was too tight, and I went off and left him that evening.

Q. What time was it you spoke to Ward to ask Evarts to come?—A. I don't recollect.

Q. Did they say they would do it?—A. They had to see Evarts first, and get his consent, as I understood, and I think Ward told me he would dine with me in place of dining with Craig. That was my understanding, to the best of my recollection.

That acquittal was then certain in the minds of those interested their telegrams show, as Mr. Garland testifies that upon the strength of Crounse's information he had been betting odds of two to one, and that the dinner was to bring together those principally engaged in procuring it, is apparent from the card of invitation issued to Mr. Evarts by Sam. Ward, under the feigned name of "Horace."

It appears from the evidence in the case that Sam. Ward was a gold speculator and broker, whose business here was to aid the President in his trial and to furnish information by which the gold market in New York was manipulated. A few specimens of the way of doing this will be given, in which Ward mixes up betting on the failure of the impeachment trial and bulling the gold market, in a manner which, were it not for the evidence of corruption, would be amusing.

Here are some telegrams with translations:

NEW YORK, May 6—1.40 p. m.

J. B. C. (Craig) to Sam Ward, Washington, D. C.:

Are you quite positive the statement contained in your letter relative to a particular person, is correct?

WASHINGTON, May 6—2.10 p. m.

S. (Ward) to James B. Craig, New York:

I have it from such various and reliable sources that I would go to the bottomless pit for my belief.

Washington, May 8—11.15 a. m.

O. (Ward) to Charles T. Ward, New York:

Sharp work detains me. Hope you escaped rain yesterday.

WASHINGTON, May 9—8 p. m.

O. (Ward) to Charles T. Ward, New York:

Cognac and Europe depending on Tuesday's vote compel me to stay. Hope you've no fever.

"Cognac and Europe," Ward testifies, means his success in settling the Sherry wine cases he had before the department, and a contemplated voyage to Europe depends on Tuesday's vote.

WASHINGTON, May 11.

Prescott (S. Ward) to Charles H. Ward, Gold Room, New York :

Potter says not a particle of truth in the rumor you mention and recommends demurring dondea Bengal.

This means, "McCulloch says not a particle of truth in the rumor you mention, and recommends selling gold on the prospect of the acquittal of the President."

NEW YORK, May 12—11.22 a. m.

Evri to S. Ward, Washington, D. C. :

Telegraph to the hotel quick if rans oder rein.

WASHINGTON, May 12—11.30 a. m.

S. W. (Ward) to Evri, New York Hotel :

Gans und vollkommen rein. Which, being interpreted, mean: "Telegraph to the hotel quick if guilty or clear."

Answer: "Entirely and completely clear."

Ward swears he did not and does not know who Evri is, nor what his telegram meant, yet he answered it in eight minutes.

WASHINGTON, May 15—2.51 p. m.

S. W. to Ward & Co., New York :

Vote will be taken to-morrow and result as I predicted.

WASHINGTON, May 16—11 a. m.

Prescott (S. Ward) to C. H. Ward, New York. :

Vote will be taken; will be close. Not more than two one way or the other. My opinion unchanged.

This was before the vote was taken.

Mr. Samuel Ward, with these purposes, and engaged in this business, was on such terms of intimacy with the President's counsel that he could address him in a feigned name, "Horace," and be understood by Mr. Evarts, and thus obtain his presence at Woolley's dinner, at which Cox, Craig, Cooper, Sheridan Shook, Sam. Ward, and Mr. Evarts were to be honored guests. Here is the card of invitation, marked B, which Ward testifies is in his handwriting, and in this he is confirmed by the testimony of W. S. Huntington, an expert in handwriting.

B.

FRIDAY—5 p. m.

DEAR COUNSELLOR: Cooper, Cox, and Craig dine with Woolley to-day, and he has asked me to entreat you to do him the favor of joining the party at Welcker's at 6 p. m.

You were half bespoken to Craig and myself this a. m., unless a major claim should intervene.

Shook came down to help the good cause, and may be there. Woolley has been steadfast and useful.

Yours truly,

HORACE.

Superscribed "Wm. M. Evarts, Esq."

This note, which has all the more force as testimony because of the circumstances under which it was written, shows many things which, by the evidence before, were left inexplicable. Shook arrived that morning, in obedience to telegrams from Woolley. Shook testified that he did not know what he came for, and never asked, when he got here, why he was sent for, although *five* telegrams were sent to demand his coming, as follows:

WASHINGTON, May 13, 1868.—5.15 p. m.

C. W. Woolley to Thurlow Weed, New York :

There are serious differences among your friends. Shook or you should come over immediately.

WASHINGTON, May 13, 1868.—5.20 p. m.

James B. Craig to Sheridan Shook, New York :

You must come here and untangle a snarl between friends at once.

WASHINGTON, May 13, 1868.—5.20 p. m.

James B. Craig to Sheridan Shook, New York :

Come on by first train. Very important.

WASHINGTON, May 13, 1868.—5.30 p. m.

S. S. Cox to Thurlow Weed, New York :

If you can't come over send Sheridan Shook. Important.

WASHINGTON, May 13, 1868.—6 p. m.

C. W. Woolley to John F. Chamberlain, New York :

Please go to Shook's house and ask him to come here immediately.

Ward's letter says, however, that Shook came to "aid the good cause." What was the good cause which Shook came upon such urgency to aid? Why should Mr. Evarts be invited to meet him unless it was the cause, good or bad, which Ward was manipulating, in which Evarts was counsel, and upon the result of which he had ascertained two days before that "Henderson was all right." Shook's presence in Washington was so important that even the fact that he "may be there" was urged why Mr. Evarts should attend Woolley's dinner. The letter states also that Woolley had been "steadfast and useful," and that stands as the crowning reason why Mr. Evarts and Mr. Groesbeck, the counsel for the President, should dine with him.

Woolley indeed testifies that he had only been steadfast and useful in transactions for the whiskey ring. That cannot be true, because he telegraphed to Shook May 6, 11.20 a. m.: "My business is adjusted. Place ten to my credit." He had not time between 6 a. m. and 11 a. m. to influence Congress in its legislation. Now we cannot entertain for a moment the idea that either Mr. Evarts or Mr. Groesbeck had any connection either mediate or immediate with the whiskey frauds save as the whiskey ring had applied its money to shield their client, and in that way alone had Woolley been "steadfast and useful" to the "good cause" they had in charge. This letter shows further how utterly unreliable is the testimony of Ward, which will serve also as a specimen of other witnesses in this investigation, because at the very hour he wrote that letter saying Shook has come down to "aid the good cause," Ward swears *he did not know what Shook was here for at all.*

The following testimony of Ward as to who were the President's friends, and his knowledge of Shook, is both curious and instructive :

Question. On the 15th of May S. Ward telegraphs to Ward & Company, New York : "Vote will be taken to-morrow and result as predicted." From what information did you telegraph that?—A. I do not know; there was a small corporal's guard of us who were satisfied the President would be acquitted.

Q. Who were they?—A. Principally I depended upon Evarts, who never wavered one hour in his faith. The President had not so many friends but you could count them all on your fingers: Coyle, Woolley—

Q. Was Shook one?—A. I do not know but a little about Shook. I never exchanged ten words with him about it.

Q. Did not you know what he was here for?—A. *Lately* I did.

Q. Did you not know at the time?—A. No, sir.

Q. Are you sure about that?—A. Perfectly sure; he was a stranger to me.

Q. Did you not know, by information or otherwise, what he was here for?—A. No, sir; I did not know at that time—the 15th of May.

Q. Do you ever sign your name "*Horace*"?—A. Not that I am aware of.

Q. Do you ever use that *nom de plume*?—A. I do not know that I have; I use a great many, but I do not remember having used that.

[The letter marked B under the signature was produced and shown witness, who was examined as to the signature.]

Q. Is that your signature?—A. I think it is.

Q. Is there any doubt about it?—A. No, I do not think there is. I do not know whom it is written to, or anything about it.

Q. Can you give any more names?—A. Mr. Van Valkenburg was very confident and was betting money on it.

Q. Anybody else. [No answer.]

Q. Here is a telegram—May 16, 11 a. m.—Prescott Ward to C. H. Ward—Vote will be taken and will be close. Not more than two one way or the other. My opinion unchanged. And here is another. Same to same.—May 16, 11.50 a. m.—“Potter feels more confident this morning.” Does that mean McCulloch feels more confident?—A. Yes; there was a rumor in New York that he was desponding.

Q. Here is the remainder of it: “The last vote on the list has the cast. He was safe last night.” Who was safe last night?—A. Mr. Willey.

Here is another telegram which explains this:

WASHINGTON, May 16—12 o'clock p. m.

Prescott to C. H. Ward, New York:

My last referred to Willey; last but three to vote. Butler just passed, looking like Fort Fisher not taken.

WOOLLEY'S CAPACITY FOR “BUSINESS” SHOWN.

Your committee have already shown in their former report the antecedents of C. W. Woolley, his business at home, and his business here, so far as he chose to disclose it. Since he has been under examination, however, there has been a studied attempt by his associates to rid themselves of him and his acts, by declaring that he was so drunk as not to be able to take care of himself or his money; so flighty and unbalanced that he was useless; that he had no capacity for affairs; and even his friend and room-mate, Sheridan Shook, declared to R. Van Valkenburg, at a meeting of the two with Cornelius Wendell, at the Astor House, on the 20th of May, that Woolley was a “drunken vagabond.” And they have attempted to account for fatal discrepancies in his testimony, to which he was driven by the exigencies of his position in this way.

In justice to Woolley, your committee are constrained to say that all this account of him is as false and wrong, as it is unkind and ungenerous in those who have made use of him and now cast him aside to save themselves. The members of the House who saw him on two occasions before them in a very trying position, and heard him address the House in his own behalf, must certainly have formed a very different opinion. His account of himself, that he came here to urge the nomination of Mr. Pendleton to the Presidency, denies these aspersions. A leading candidate of the democracy for the presidency, and late candidate for the vice-presidency, does not select a “drunken vagabond” to advocate his claims at the capital of the country on the eve of the sitting of the convention. The “whiskey ring,” one of whose chief managers Woolley is admitted to be, with untold millions to be invested to influence Congress to pass laws in one house, or to acquit the President in the other, as the case may be, do not employ a light, foolish, or capricious man as their manager of such concerns. Shook, the collector of internal revenue, testifies, to shield himself and account for his connection with Woolley, that he employed him as his counsel to procure the revenue laws changed for his benefit, and rooms with him a portion of the time while so employed.

The man who can telegraph as Woolley did while managing the President's case here, to Peter Schwab, the millionaire distiller of Ohio, “how much money shall I use for the good of the country,” and receive a reply in effect, “use as much as you choose,” cannot be a drunken fool, though he may be a knave. But beyond this, that very able gentleman, Mr. Groesbeck, of the highest social standing, who knew Woolley in Cincinnati, and Mr. Evarts, who knew the worth of his services to his client's cause here, and accepted an invitation to his dinner because he had been steadfast and useful, both thus testify their sense of his social position, his talent, and business capacity to deal in a matter of the very highest concernment, no less than his “steadfast usefulness” in aiding them to acquit their client, the President of the United States, when on

trial before what ought to be considered the highest tribunal of the world. Whatever opinion your committee may have formed of Woolley's integrity, from these and other considerations, and his bearing before them, they feel constrained to say that they perceive no want of ability or capacity, and they are fortified in coming to this opinion by the fact that Judge Dunlevey, of Ohio, who knew Woolley familiarly in his home at Cincinnati, who had spent the winter here representing the great interest of trade in distilled spirits before the Committee of Ways and Means, a man of admitted ability and shrewdness, testifies that Mr. Woolley was associated with him in cases pending before the departments and in the courts involving large interests, and was also willing to indorse without security Woolley's drafts at one time for the very considerable amount of \$15,000. Such being Mr. Woolley's standing at home and his employment here, intending to come to Washington, we find that he interested himself in the subject of impeachment as early as the 28th of April, while still in Cincinnati, by the following telegrams :

CINCINNATI, April 28, 1868—10.50 a. m.

J. F. COYLE, *Intelligencer Office, Washington :*

How do you think impeachment will terminate?

C. W. WOOLLEY.

CINCINNATI, April 28, 1868.

W. W. WORDEN, *Washington :*

How do you think impeachment trial will end?

C. W. WOOLLEY.

WASHINGTON, April 28, 1868.

C. W. WOOLLEY, *Cincinnati :*

Trial will end in acquittal. Such generally conceded will be result.

W. W. WORDEN.

So necessary were Woolley's services to Judge Dunlevey, and so accurately did Sheridan Shook find it necessary to keep track of this "drunken vagabond," that we find the following telegrams :

WASHINGTON, April 29, 1868—12.20 p. m.

SHERIDAN SHOOK, *New York :*

Where is Woolley? When will he be here?

J. C. DUNLEVY.

NEW YORK, April 29, 1868.

J. C. DUNLEVY, *Washington :*

Woolley expected here to-day. Will telegraph his arrival.

S. SHOOK.

From these telegrams and other evidence it appears that Woolley arrived in New York between the 1st and 4th of May, and when there his first inquiry was of one of the President's private secretaries as follows :

NEW YORK, May 4, 1868—8.22 p. m.

W. W. WORDEN, *Executive Mansion, Washington, D. C. :*

Despatch me your opinion of the situation. Will see you Wednesday morning.

C. W. WOOLLEY.

To which was the reply heretofore published, the material part of which is—

WASHINGTON, May 4, 1868—9.30 p. m.

C. W. WOOLLEY, *New York :*

* * The only persons who assert unqualifiedly that Johnson will be removed are those who know least of the inner workings, &c. The best informed either admit that there will be acquittal, or are in doubt.

W. W. WORDEN.

Meanwhile one Gen. A. W. Adams had called on Mr. Smythe and Mr. Weed, in New York, with a proposition to sell the votes of three senators for \$30,000. How many other persons he saw upon this topic does not appear.

Your committee called General Adams before them; but as he could not remember within two years certainly when he was brevetted a general, if ever, and his whole appearance, testimony, and bearing being such as to show he was utterly false and untruthful in his statements, the committee place no reliance whatever upon his testimony.

Smythe and Weed both attempt in their testimony to give the impression that this proposition of Adams was scarcely received and certainly not entertained by either of them; but it is in evidence that this proposition of Adams was before the 5th of May, because on that date it was the subject of conversation at Weed's room, where Woolley, Webster, Shook, Weed, and the Postmaster General, Randall, were present. That date is fixed, because Woolley telegraphed from New York on that day for rooms at Washington to be secured for him at daylight on the 6th; and on the 6th he was telegraphing *from* Washington as will be seen hereafter. Randall swears that he met Woolley at Weed's room when Shook was present, and thinks it was the 20th of April, but at that time Woolley was at Cincinnati, so that Randall must have mistaken the date, because we find the following telegram:

WASHINGTON, May 4, 1868.

ASTOR HOUSE, New York:

Governor Randall and I leave for New York this evening. Take care of us.

H. A. RISLEY.

Showing he arrived there on the morning of the 5th of May; and his name is entered on the register of the Astor House on that day when he was introduced to Woolley at the meeting in Weed's room. At that meeting, there can be no doubt that Adams's proposition or some like proposition was fully discussed, because Weed so testified in substance, although he would have us understand that scheme was given up as not feasible. But it is difficult to see how that can be, for we find that same afternoon, before three o'clock, Woolley had determined to leave for Washington, and at 11.20 the next morning he telegraphs as follows:

WASHINGTON, May 6, 1868—11.20 a. m.

SHERIDAN SHOOK, New York:

My business is adjusted. Place ten to my credit to-day with Gillis, Harney & Co., number 24 Broad street. Answer.

HOOVER.

And 20 minutes after, on the same day, we have the following from Webster to Weed:

WASHINGTON, May 6, 1868—11.40 a. m.

THURLOW WEED, New York:

He will do it. Telegraph Hugh Hastings to come here right away.

E. D. WEBSTER.

And, at the same time, a telegram from Webster to Sheridan Shook:

WASHINGTON, May 6, 1868—11.40 a. m.

SHERIDAN SHOOK, New York:

All right.

E. D. WEBSTER.

And at the same moment, *i. e.*, 11.20 a. m., we have the following telegram from Sam'l Ward, which shows what had been adjusted:

WASHINGTON, May 6, 1868—11.20 a. m.

S. L. M. BARLOW, New York:

All O. K.—I think twice eleven sure.

SAM. WARD.

Ward testifies that "twice eleven sure" means senators.

Thus it will be seen that Webster, Shook, Woolley, and Weed, met at the Astor on the morning of the 5th, with Randall, who seems to have gone over specially for that purpose, as he only took breakfast and dinner there, returned that night to Washington. They there had conversation about impeachment only, no other errand being made by anybody, and Weed testifies it was about buying senators' votes, those who came and applied to Mr. Weed for the purpose, he says, of raising money for that enterprise, if he approved it.

In case he approved it, he also says, Mr. Shook was to be one of the parties to whom he would apply for money. Webster and Woolley leave for Washington that night, and the Postmaster General is on the same train. The next morning such proceedings were had here that Woolley telegraphs to Shook at 11.20 a. m.:

My business is adjusted; place ten (*i. e.* \$10,000) to my credit to-day.

At precisely the same moment, Sam. Ward, who, we see, is in Woolley's confidence and intimate with him, telegraphs "all O. K." Within 20 minutes afterwards, Webster, the other confederate of Weed's room, telegraphs to Weed "He will do it; telegraph Hugh Hastings to come here right away," and at the same moment telegraphs to Shook, "All right." Weed swears that "telegraph Hugh Hastings" was for him to come about impeachment.

What could Hastings have been wanted for except about the arrangement agreed upon 24 hours before in Weed's room? How could Weed have known that he was wanted for that purpose, if it had not been agreed upon in his room the day before. Your committee have said that Webster came over with Woolley after the meeting at the Astor House in the morning. This is shown by a telegram, in which Webster reports result of meeting to Cooper:

NEW YORK, May 5, 1868—7 p. m.

Hon. ED. COOPER, *Washington*:

All's well. See you in the morning.

E. D. WEBSTER.

By recurrence to the testimony of Webster, it will be seen he testifies that he had just come to New York from Washington, where he was at the meeting of the 5th of May. Mr. Randall went on with him the same night, May 4. Woolley and Shook met Weed there. Can there be doubt in any man's mind that this meeting was pre-arranged from Washington? As showing this, we have a telegram from New York to Edmund Cooper, on that evening, in the following words:

All's well. See you in the morning.

E. D. WEBSTER.

Your committee have been thus particular in giving the surroundings of this meeting because there has been an attempt on the part of the witnesses, Webster, Shook, Randall, and Woolley, to show this meeting to have been an accidental one, and that the subject of Adams's proposition to buy senators votes was only incidentally mentioned by Weed to them, and not by them to Weed. Woolley, however, does testify that Randall took great interest in the impeachment. He went there, apparently, for no other purpose. A careful examination of the testimony of Mr. Weed, not heretofore published, shows he understood the meeting to be one sought by the persons attending it for the purpose of having him raise the money if necessary, if he approved of the object, which he nowhere says he disapproved, and only doubted its feasibility. This is shown by the fact that he swears that when telegraphed to, on the next day, by Webster, to "send Hugh Hastings immediately to Washington," he knew the purpose for which Hastings was wanted to be about impeachment. Another attempt has been made by the persons implicated to show by their testimony

that no notice was taken by anybody of the proposition of General Adams, that it was never considered for a moment but simply heard by Weed and Smythe. General Adams, himself aiding this idea, swears the proposition was a jocose one and never renewed by him. This will appear by General Adams's amended testimony.

But a consideration of one or two facts which are indisputable, will show that Adams's proposition was entertained and under consideration for a considerable length of time. We have seen that Adams's proposition was made before the 4th of May, and on the 7th of May we find the following telegram :

WASHINGTON, May 7, 1868.

Hon. H. A. SMYTHE, Esq., *Collector of the Port, New York* :

To be decided next Tuesday. Come on yourself immediately.

Gen. A. W. A.
13 *National*.

These are words of almost imperative command to Smythe, and it is in evidence that he saw Adams here, for we find that within two days of that time, to wit, on the 9th of May, Smythe went to Washington, which would be in season for any arrangement for the vote on Tuesday. We also find from the testimony of General T. W. Egan, the person who "guessed" so exactly the seven senators who would vote for acquittal, that Adams had written a letter or memorandum to Mr. Smythe, which Mr. Smythe showed to the witness, the substance of which was that Adams wanted Smythe to furnish the \$30,000 to be used in the city of Washington for impeachment. Egan's testimony upon this point is as follows :

Q. Then tell me how the paper began. Was it "Dear Sir?"—A. I do not remember.

Q. State the substance as you do remember it.—A. The substance was that he desired Mr. Smythe to give him \$30,000 for the purpose of using it in the city of Washington in relation to impeachment. That is about all.

Q. Give the rest.—A. That is all I can remember.

Q. Was there anything about compromising him, (Adams?)—A. There was something—I think so—that he had made such an arrangement, and if this money was not forthcoming he was compromised. This was a memorandum.

Egan further testifies that his interview with Smythe took place in the custom-house, New York, two or three days from the time he left Boston, and he refers the committee to the proprietors of the Tremont House; and by inquiry, there we find General Egan left Boston on the 9th day of May. Egan further states that Smythe told him on that occasion that Adams had come on twice to see him and that he had seen Adams before in Washington, so that there had been on this subject two special journeys from Washington to New York to see Smythe, and a telegram to Smythe to come to Washington, and an interview in Washington between Adams and Smythe, and a letter or memorandum sent to Smythe from Adams requiring the \$30,000 which he had agreed to furnish, and saying in substance if the money were not supplied he, Adams, would be compromised, because he had made such an arrangement. How this series of negotiations and communications, extending from prior to the 5th to the 11th or 12th of May, can be reconciled with Adams's two accounts—1st, that Smythe agreed to furnish the money for bets; 2d, that it was only a jocular conversation about the article in the New York World—it is impossible for your committee to conceive. Mr. Smythe, upon being examined on this subject, contradicts, Mr. Egan, Mr. Weed, General Adams and the telegrams, and denies the letter or memorandum; and in order that Mr. Smythe may be fully heard for himself, the committee give him the benefit of his own testimony upon this subject :

Q. 76. You say in your statement, as written and presented here, that *after General Adams came in and refused to give any names of senators, you never had any communication or negotiation with him?*—A. None after that day.

Q. 77. What day was that?—A. I cannot say.

Q. 78. Was it before or after you spoke to Mr. Weed about it?—A. *Mr. Weed, incidentally, the same day, and I asked him if he knew General Adams.*

Q. 79. Did you authorize Adams to negotiate any bets for you?—A. No, sir.

Q. 80. Did he say anything to you about negotiating any bets?—A. No, sir; he said it might be effected in the way of bets.

Q. 81. Thus influencing senators?—A. Yes, sir.

Q. 82. Did he intimate betting to you in any other form than as a part of this arrangement?—A. No, sir.

Q. 83. I find this telegram to you on the 7th of May: "To be decided next Tuesday. Come on yourself, immediately." Did you receive that telegram?—A. As I stated before, I received it, but never thought of it from that time till you presented it to me.

Q. 84. How soon after receiving it did you come to Washington?—A. I think a few days; but I did not see General Adams.

Q. 85. What did you understand was to be decided on Tuesday?—A. The result of the vote in the Senate.

Q. 86. Why did you suppose he desired you to come immediately?—A. *I had no reason to suppose he had any other object than others who telegraphed me to come, merely to do what I might choose to do in the premises.* The telegram was unexpected and uncalled for, as far as I am concerned.

Q. 87. I find on the day before the 6th another telegram from "R. W. N." That is R. W. Newton, I suppose? [Apparently in answer to yours.]—A. Yes, sir.

Q. 88. The answer is, "Yes; wait. Will telegraph you again if I think different." What does that refer to?—A. *I have not the slightest idea what it refers to.* I will state that I never had a conversation with Mr. Newton, nor any communication with him, by letter or otherwise, with regard to influencing senators' votes.

Q. 89. With regard to impeachment, do you mean to say?—A. No, sir; I will not say that; but I may say safely that it did not refer to influencing senators' votes.

Q. 90. How soon were you here after the 7th of May?—A. I think I stated in my former examination I came on the 9th of May.

Q. 91. Did you telegraph to General Hillyer on this subject?—A. No, sir; I never had any communication with him on the subject.

Q. 92. Or with Appleton & Co.?—A. I think I telegraphed Mr. Appleton one day when I was here, at his request, stating that it was uncertain whether the vote would be taken.

Q. 93. Either in your conversation with Adams or in your conversation with Mr. Weed were any senators' names whatever disclosed?—A. None whatever.

As showing that Smythe was doing something about impeachment that was thought important both by himself, the President, and his associates, the committee append certain telegrams, which speak for themselves. That from William G. Moore, the President's private secretary, and from W. W. Worden to Smythe, as to the "plenty of work," and from W. G. Moore "not to use letter," are very significant.

It is impossible to reconcile these facts upon the theory that all these witnesses tell the truth. The result of the meeting of the 5th of May at the Astor House and of Woolley's operations in "adjusting his business" in Washington, which was telegraphed to each of the parties remaining in New York who were present at the Astor-House meeting, was also made known to Mr. Smythe by the following telegram:

WASHINGTON, May 6—1.40 p. m.

H. A. SMYTHE, Custom-house, New York:

Radical change in favor of the President. Bets are offered five to one against conviction.
"S. L." SUIT.

WASHINGTON, May 11—4.25 p. m.

APPLETON & Co., New York:

Matters look well; though still some doubt.

H. A. SMYTHE.

WASHINGTON, May 12—12.15 p. m.

GEORGE HILLYER, Custom-house, New York:

Senate adjourned till Monday. Keep letter. Leave here this evening.

H. A. SMYTHE.

WASHINGTON, May 15—1.40 p. m.

H. A. SMYTHE, New York:

Verdict seems probable to-morrow. Don't use letter.

W. G. MOORE.

NEW YORK, May 16—11.03 a. m.

R. W. NEWTON, *Willard's* :

Are you up and dressed? Telegraph me the result, and if all right, drink hearty.

H. A. S.

WASHINGTON, May 16—5.20 p. m.

H. A. SMYTHE, 21 *East Fourteenth street* :

Twenty-two votes were sure on other articles, and 21 on that if necessary. *Drink.*

R. A. N.

WASHINGTON, May 14—1.17 p. m.

H. A. SMYTHE, *Custom-House, New York* :

Have been the rounds. Room for plenty of work. Other side desperate. Telegraph me to-morrow if you come on.

W. W.

WASHINGTON, May 16—1.35 p. m.

H. A. SMYTHE, *Custom-House, New York* :

Impeachment gone up on the eleventh article—the test. You and Thayer will have to visit Sudburg's once more to celebrate it.

W. W.

NEW YORK, May 16—3.15 p. m.

JOSEPH S. FOWLER, *United States Senate, Washington, D. C.* :

May God bless you and your associates who have saved us from disgrace at home and abroad. Say so to them for me.

H. A. SMYTHE.

WASHINGTON, May 14—4.30 p. m.

Hon. H. A. SMYTHE, *New York* :

I thank you for the word of cheer. I acted for my country and posterity in obedience to the voice of God.

JOSEPH S. FOWLER.

Woolley had arrived on the morning of the 6th, at 11.20 p. m., "adjusted his business," and Smythe was informed within two hours that a "radical change had taken place in favor of the President, so that bets were offered five to one against conviction."

That Suit was much interested in the President's acquittal is apparent from the following telegram :

NEW YORK, May 16—7.40 p. m.

General L. H. ROUSSEAU, *Washington, D. C.* :

Glory enough. We all get on a big drunk to-night. Open a bottle and drink to the health and long life of "Andy."

S. L. SUIT.

WHAT WAS THIS "RADICAL CHANGE," AND WHAT CAUSED IT?

This inquiry next engaged the attention of your committee.

We have already seen that Mr. Senator Henderson had been counted on by his friends, and had expressed himself in favor of conviction, and would vote in favor of the eleventh article.

The following extract from the minutes of the Union Congressional Committee, dated Washington, January 10, 1868, will show where Senator Fowler had stood upon the question of the guilt of the President :

In the course of his remarks at this meeting *Senator Fowler, of Tennessee*, without warrant of precedent by an allusion to Mr. Johnson by any of the speakers who had preceded him, introduced the question of his impeachment and entered into an argument to demonstrate its necessity, and to show the responsibility of Congress for the sufferings of southern Union men and the murder of so many of them, which, he said, would be continued so long as we failed to impeach and remove him.

He opened this topic by saying that some of the gentlemen present had differed with him in their estimate of Mr. Johnson and judgment of his purposes, but that experience had

probably satisfied them that he had been right. He said he had known him long and well, and, let the defects of his character be what they may, he was plausible and unrelenting in his purposes, and had extraordinary power for evil. That no efficient relief could be given the Union men of the south till he should be impeached and removed; it was very well to send speakers and organizers among them, and to enlighten them on the questions of the day by distributing our publications among them, but that our labors would be ineffectual while Mr. Johnson continued to administer the laws.

That he would as President be able to overthrow such governments as might be established, and that so long as *we should fail to do our duty and impeach and remove him from office, we would be responsible for the sufferings and blood of the Union men of Tennessee and the unreconstructed States.*

The foregoing embraces an extract from the minutes of the committee and my recollection of the tenor and phraseology of the remarks of Senator Fowler at the meeting of the 10th of January, nor was their tenor exceptional, as in his intercourse with me he had frequently pressed the same views on me, as well as on others in my presence.

WM. D. KELLEY.

We, who were present also at the meeting referred to above, concur with Judge Kelley in his account of what was said and argued then by Senator Fowler. Senator Fowler's idea, distinctly set forth and impressed on us, was, that we could expect no restoration of peace to the country, or enforcement of the laws, without the impeachment and removal of Andrew Johnson from the presidency.

ROBERT C. SCHENCK.

OAKES AMES.

JOHN COBURN.

THOMAS L. TULLOCK.

B. F. HOPKINS.

J. H. ELA.

SIDNEY CLARKE.

C. D. HUBBARD.

Private Secretary Cooper, and Assistant Secretary of the Treasury *ad interim*, told Legate that Fowler "was embarrassed by some declaration of his, (Fowler's,) that the President ought to be impeached," but they should hold him finally, and they did, "in obedience to the voice of God."

The opinions of Senator Ross are shown by the testimony of the Hon. Charles Sumner, to whom Mr. Ross volunteered his judgment in the strongest terms upon the guilt of the President; and, also, by the testimony of Hon. Lewis S. Green, of Kansas, who, as a member of the Kansas legislature, voted to elect Mr. Ross; and by an extract from the testimony of James G. Blunt, esq., which shows clearly that Senator Ross had repeatedly expressed his strong conviction of the guilt of the President. Mr. Blunt had a conversation with Ross as late as half-past 11 on the night of the 15th, wherein he reiterated his intention to vote for conviction.

But General Thomas Ewing, to whom Legate swears he was referred by the Indian Commissioner, Taylor, to consult about the best method of procuring acquittal, and by whom Legate was turned over for the same object to Perry Fuller, testifies that he spent the night of the 15th previous to the vote from about half-past 11 o'clock to half-past 1 with Mr. Ross; and Perry Fuller testifies that Ross took breakfast with him (coming without invitation) and Senator Hendricks, then and now a prominent democratic candidate for the Presidency, on the morning when Ross voted for acquittal against the opinion he had given Senator Pomeroy and Mr. Blunt the night before.

Your committee will give the testimony of Senator Pomeroy almost entire, because by it will clearly appear the motives which were influencing the "judicial mind" of at least four of the senators who voted for acquittal, and who had theretofore been acting with the republican party. A senator's vote may as well be controlled improperly on a trial of impeachment by promise of executive patronage and a change of party relations, or of assistance to party success, as by money; and at the remarkable interview of Senator Pomeroy at Senator Van Winkle's room, it will appear that the proposed change of his cabinet by the respondent, in which prominent places were already assigned to his counsel, and the respondent's promise to conduct the presidential office thenceforward in the

interest of the republican party, as understood by certain senators, seemed to have greater effect than the testimony in the case, or the discussions at the bar of the Senate, or the wishes and hopes of their constituents at home, or the purity of their country's justice.

[Extract from Hon. Charles Sumner's testimony.]

Question. 1. Did Senator Ross, one of your colleagues, ever give to you his opinion upon the subject of the guilt or innocence of the President, during the impeachment trial?—Answer. He did on one occasion.

Q. 2. State the circumstances under which it was given, and how it came to be given?—

A. It was when the impeachment trial was about half over, and during one of the brief recesses in the course of the proceedings of a day. He came around to my desk, and his visit was more noticeable, because I did not remember that he had ever come to me in that way before. After alluding to some of the votes for the admission of evidence, he said he wished me to understand that he expected to vote with me in the end; that he was for conviction. To which I replied, I supposed so; for it was a very clear case, especially for a Kansas man. I said for a Kansas man, because I did not think that a Kansas man could quibble against his country.

Q. 3. Did he ever tell you anything different from that?—A. Never. Indeed, I do not remember that he ever spoke with me on the subject after that. I have not been in the habit of seeing him, and this occasion, it will be observed, he made himself.

[Mr. Green's testimony.]

Question. 1. Are you acquainted with Senator Ross intimately?—Answer. I am.

Q. 2. Were you in the legislature of Kansas?—A. Yes, I was a member of the State senate which elected him.

Q. 3. Have you had any conversation with him as to how he had determined to vote on the articles of impeachment, and when and what did he say?—A. On the evening of the 14th instant I called on Senator Ross, and we talked this matter over. Senator Ross said to me in that conversation that he was opposed to bringing on a vote at this time; that he considered, under the circumstances, the best thing was postponement; the next best thing was conviction. This statement satisfied me that he would vote for conviction. With this impression I left him; have seen him since, and have had no further conversation on this subject. He was so positive in his declaration I should have felt ashamed to press the matter further.

[Extract from Mr. Blunt's testimony.]

Question. 9. Have you had any conversation with him since?—Answer. I met him again last evening, the 15th instant, at Dubant's restaurant, at about half-past 11 o'clock. He was in company with Senator Henderson and Senator Van Winkle. They were there taking a lunch. After they had finished their supper Senators Van Winkle and Henderson passed out and he came over to my table and passed the compliments of the evening. I asked him to sit down, but he declined, saying he must go home. He immediately followed the other two senators out. That was the last time I have seen him. I asked him what he thought the chances of conviction were to-day. He said he was in favor of postponement till the first of July, because he thought it was dangerous to take a vote to-day. That was all the conversation I had with him.

Q. 10. Is that all?—A. Yes, sir, that is the substance, that he thought they were not prepared to vote; that there was no certainty of conviction.

Q. 11. This was about half-past 11 o'clock last evening?—A. Yes, sir.

Q. 12. Did he intimate to you that there was any change of his purpose?—A. No, sir. Of course I inferred that, if there was any sincerity in his former statements, he was in favor of conviction.

[Testimony of Senator Pomeroy.]

Question 1. You are a senator from Kansas?—Answer. Yes, sir.

Q. 2. On what terms as to personal intimacy have you been with your colleague, Senator Ross?—A. On cordial and intimate terms as any two colleagues, perhaps, in the Senate. We never had an unpleasant word.

Q. 3. At any time after the argument was closed in the impeachment trial did you speak to him, or he to you, as to his opinions or convictions upon the state of the case, as to the guilt or innocence of the President?—A. Yes, sir, I spoke to him at several times.

Q. 4. Will not you give the conversations from time to time as nearly as you can, commencing after the close of the evidence, and have the kindness to state what was said, who commenced the interview, and all that was said?—A. The most definite conversation in regard to specific articles of impeachment was had five days before the Saturday that we voted, or both on Tuesday and Wednesday before we voted. Our conversations previously had been upon the general question of conviction, and the guilt or innocence of the President.

Q. 5. Please state what that conversation was?—A. The most definite and particular conversation was had in the room of the Sergeant-at-arms of the Senate.

Q. 6. How came you there at that interview?—A. I noticed that my colleague had gone in there with Senator Trumbull and I followed him in.

Q. 7. What did you find when you got there?—A. I found Senator Trumbull in conversation with him.

Q. 8. On what subject?—A. The subject of impeachment; I do not know the particular article.

Q. 9. Was it an animated conversation?—A. It was an earnest conversation, at any rate.

Q. 10. Did Senator Trumbull appear to be arguing with him?—A. He was talking in a continued earnest strain to him on the subject.

Q. 11. What further took place?—A. The conversation ceased soon after I went in, or within a few minutes. After Mr. Trumbull went out, my colleague and myself had the conversation to which I am about to allude. I hold the same paper in my hand now that I held then. [Paper exhibited.]

Q. 12. What is that paper?—A. It is a list of the senators as prepared by the Senate; and on this list I had put down the articles that I had made up my mind to vote for, and several other senators had done the same voluntarily. From my previous conversations I had also put down several articles which I supposed Mr. Ross would vote for; and I now came to see if I was right. Those articles, so far as they related to Mr. Ross, were the first, second, third, eighth, and eleventh. I showed, at that time, Mr. Ross this paper, and he looked at the whole list and saw how all the senators, so far as they were known then, had decided to vote. I then asked him if those figures were right so far as related to himself. He said they were right with the exception of the eighth; he had his doubts in regard to the eighth; he was undecided. I said, then, taking my pencil, if he was not entirely clear I would draw a circle around the eighth, which I did, as it now appears on the paper. I then asked him in closing if, the eighth being erased, it was then right, as he would vote. He said it was. I then asked several other senators that I was in doubt about, and they all gave me their answers very freely and very pleasantly, and put down the articles they had decided to vote for, and those they had decided to vote against. This was not all completed that day, but it was completed before the day of the vote.

By Mr. WILSON:

Q. 13. Was that conversation Wednesday?—A. I am not certain; it was Tuesday or Wednesday.

By Mr. BUTLER:

Q. 14. Has there been any debate in the Senate since he told you that?—A. No, sir; none prior to the vote.

Q. 15. Did you see him afterwards?—A. Several times.

Q. 16. Did this question of how he should vote come up for consideration?—A. Yes, sir. Only on one occasion afterwards did he even hint that he might be doubtful on some of these articles. That was Thursday night before we voted, about half-past 9 o'clock. I had called upon Senator Van Winkle in his rooms at the National Hotel. I found there my colleague, Senator Ross, Senator Trumbull, Senator Henderson, and Senator Willey, with Senator Van Winkle.

Q. 17. Will not you state that conversation as nearly as you can, so far as relates to impeachment, giving the general substance.—A. The general question was whether conviction or acquittal would be carried on Saturday. I claimed from my knowledge of senators, in reply to Senator Henderson, who claimed that from his knowledge, we should be defeated by four votes; that it was not possible. He said it was. I told him that on the eleventh article I had had conversation with a sufficient number of senators to know, believing they all told me the truth, that we should carry it by one vote, and I appealed to Mr. Willey, who sat opposite me, stating that I made this, because he had told me he should vote for the eleventh article. My colleague at that time united with Mr. Henderson and Mr. Trumbull in an urgent appeal for postponement, not to take the vote at all. Mr. Trumbull was not decided that the President would be acquitted on that article, and therefore he argued for postponement. Mr. Henderson assured me that if there would be a postponement the President would reorganize his cabinet. I said, who will take a place in his cabinet now? So far as I was concerned, the cabinet was as good as the President. It was no motive to urge to me, to change the cabinet. Said I, who will take any office in the cabinet? Reverdy Johnson, he said, would, and Mr. Hooper would, Mr. Evarts would, and he mentioned the name of Groesbeck, whether he mentioned any particular place or not. He designated no particular place except that Mr. Hooper, of the House, would go into the treasury. I wanted to know if he had been making arrangements for office while we were trying the criminal. He said he got it second-handed; he did not say where he got it. Mr. Trumbull interfered with some conversation, and Mr. Henderson said he had had no conversation with the President, but learned this from other sources, but did not tell the source. My colleague said at that time that I had him down on my paper for some of the articles, and he desired to notify me that he was doubtful on some of the articles. Mr. Henderson said I was mistaken also in regard to several other senators on whom I relied, but did not name them. He said he knew on whom I relied. This paper was not shown to any of them. My colleague intimated no particular article on which he

was doubtful, but said if we were pushed to a vote on Saturday I might consider him doubtful on some of the articles.

Q. 18. In the course of the conversation, was the position Mr. Evarts would occupy mentioned?—A. I understood that it was to be that of Secretary of State. The last conversation I had with my colleague was on Friday evening before the day we voted. He dined with me at my house, and at the dinner table, before the family and others who were present, we were discoursing upon the general subject of what was contained in the articles of impeachment and the fact that we had to vote the next day. My colleague repeated what he had previously said, that he preferred to have it postponed, and wanted I should vote for postponement. When the conversation turned upon the 11th article he said it was the strongest article of all; he was freer to vote for that than any, because it was the strongest article. He said he was in favor of the conviction of the President, and that was the strongest article, in his mind. When he came to leave, at about half-past six, I accompanied him to the door. He then said he hoped we would put it off and not vote. I said that would be a question for the majority, and I asked him if he had changed his mind in regard to those particular articles, if we were compelled to vote. He said he had not; if he was obliged to vote, he had not changed his mind on that subject, but he preferred not to vote, and discoursed at some little length upon the administration being entirely accessible to us if we would only hold it over the President's head. That was the last conversation I had till the morning, 10 minutes before we voted. I then conversed with him in the presence of Thaddeus Stevens of the House. He told me that if we forced the vote on I might consider him doubtful on any of the articles, and hoped that I and others would vote for postponement. I used the reasons that occurred to me at the time to induce him, if obliged to vote, to vote according to what he had previously told me were his convictions.

Q. 19. How came Mr. Thaddeus Stevens there?—A. He was passing by the door of the Senate and halted as he saw I was conversing with Mr. Ross. It was a short conversation; only half a minute or a minute, perhaps.

Q. 20. Do you know your colleague's condition as to property?—A. Only in a general way, not definitely. He is generally understood to have a small property in Lawrence, where he lives. He has a house and village lot.

Q. 21. Worth how much?—A. I should suppose \$2,000, perhaps, or in that neighborhood.

Q. 22. Is that all?—A. I have known of his having a claim for a quarter section of land.

Q. I desire to ask you if Senator Van Winkle said anything to you as to his opinion or vote on the articles of impeachment before the vote was taken on the eleventh article?—A. He did on two occasions, if not more. Within a day or two after the opinions of some of the senators had been given, Senator Van Winkle told me that he was preparing a written opinion in favor of conviction on the eleventh article and some others. He said he had no doubt about it.

Q. Did he tell you he had prepared an opinion?—A. He said he was preparing one in writing. He showed some manuscript in his drawer, which he said was what he was preparing.

Q. How did he say he should vote?—A. He said his mind was to vote for conviction on the eleventh article, and was preparing an opinion to sustain his vote.

Q. Did he say anything about any other article?—A. I think he did; but he did not speak so clearly and decidedly in regard to other articles as in regard to that.

Without a "radical change" in the opinions of all these senators, no acquittal could have taken place. That they were changed, their votes show. Let us now examine and see who were trying to change them. All these men, friends of the President, whose acts we thus far have been considering, admit they were "working" for this purpose.

Ward was detained here "by sharp work;" Cornelius Wendell copying the forged letter for Randall; Smythe was "doing what he could;" and Worden, the President's private secretary, telegraphs him there was "plenty of work to do." Cooper admits he was trying to get senators "under his thumb." Woolley, as he telegraphed Murphy, was "hard at work," being "steadfast and useful." Shook "came down to help the good cause." Newton was "at work for himself, his country, and Andrew Johnson." Weed had sent Hugh Hastings here, "ready for business." Webster was "canvassing the opinions of senators," under the direction of Seward. Perry Fuller was offering \$40,000 to promote the "Chase movement." Craig was offering to take into the democratic church all senators turned out of the republican church for voting acquittal. Lacey did the errands. Van Valkenburg held the stakes. Evarts was very active, and—

The only question to be solved is, how? What means they applied to the end they sought. If Newton is to be believed, the President before this was

discussing what senators' votes might be changed by executive patronage or money.

The testimony shows that the *status* of a great number of the senators was canvassed at Weed's room, in the New York custom-house, in Cooper's room, and elsewhere; and it is not a little remarkable that the only names that any of these people can remember, when called to testify, spoken of at all as liable to be improperly influenced, were those only who remained true to their political faith, and did not change. In all the mass of testimony taken by the committee, while Senators Nye, Tipton, Pomeroy, Wilson, Thayer, Anthony, Sprague and Morton, gentlemen of the highest honor, who have never swerved from their convictions, and against whom no one dares allege corruption or vacillation, are freely canvassed, yet of the four senators who did change their opinions, as we have seen, no single witness ever heard a name mentioned, or the possibility that they might be influenced by money or patronage discussed. While Adams, and men of his stamp, as is admitted, are so freely offering the votes of other senators in the market as almost to establish a "price current" for them, yet no man, upon the evidence before your committee, breathes the thought that any one of "the seven" was open to the slightest suspicion of approach. True, however, it was stated in Senator Henderson's presence to the Missouri delegation that it would be better for the radical party to have the President acquitted, a radical cabinet formed, and Senator Henderson "to control the federal patronage in Missouri," but as that has not been the effect of acquittal, certainly so far as all but the last proposition are concerned, it can hardly be supposed that was the sole inducement to his *admitted change of opinion*. Does not this studied silence of all the witnesses as to the "seven" appear as the conscious attempted concealment of all clue to their motives lest they should be discovered? Yet these men were known to the friends of the President. Can any one believe that Harris did not know whom Woolley meant by "our guerillas?" *What had Woolley accomplished when he "adjusted his business" to give him a right to describe the senators who were to vote the next day as "our guerillas?"* After he had telegraphed to have \$10,000 placed to his credit with Gillis, Harney & Co., on the 6th of May, he sends the following despatch:

WASHINGTON, May 6—1.50 p. m.

C. W. Woolley to Washington McLean, Cincinnati, Ohio:

Have heard nothing from you. Both sides confident about impeachment. Will know more in a few hours.

How was he to know more in a few hours as to the conscientious opinions of senators on a great trial when the trial was not concluded? We obtain some light upon that question by his telegram to Peter Schwab, the man who gave Woolley unlimited credit to draw on him "for the good of the country," which is another flash phrase for acquittal, and sent \$10,000 to him, as Schwab testifies:

WASHINGTON, May 7.

Bismarck, jr., (alias Woolley,) to Peter Schwab, Hamilton, Ohio:

Despatched you yesterday by old line to place twenty-five hundred dollars in Commercial Bank immediately to my credit, and that impeachment was uncertain. No change this morning. Am working hard. May ask much help from you if it will win. Johnson's chances are the best. Betting lively. Will despatch again to-night.

What can these phrases mean, "no change this morning;" "am working hard;" "may ask much help from you if it will win;" "Johnson's chances are the best," but that Woolley "is working hard" to prevent conviction, and that he expects to call on Schwab for "large amounts of money if it will win?" How was money to win except by influencing votes?

It has been attempted to be testified by Woolley and Schwab that their correspondence and money negotiations related solely to whiskey transactions.

No testimony could be more completely contradicted and proved false than this by the following correspondence :

At 8.15 p. m., on the same 7th day of May, Woolley telegraphed as follows :

WASHINGTON, May 7—8.15 p. m.

Bismarck, jr., (Woolley,) to Peter Schwab, Hamilton :

The managers are confident of conviction. We think Andy will go up.

Half an hour afterwards we have another telegram :

WASHINGTON, May 7—8.40 p. m.

Bismarck, jr., (Woolley,) to Peter Schwab, Hamilton, Ohio :

Make no bets until you hear further from me. No vote will be taken this week. I am just getting to the bottom of the matter.

How is Woolley getting to the "bottom of the matter?" What matter is it? No word about whiskey here. It is evident from these despatches that the arrangements made had not then been consummated, but that negotiations were in progress, and efforts were being made to obtain the money, a part of which was contingent on acquittal. "Will ask much help from you, if it will win," is Woolley's despatch. At the same time, on the same day, Woolley telegraphs to Weed: "When will the Albany party be on hand for business?"—that is, Hugh Hastings, who had been telegraphed for the day before by Webster. On the same evening General Adams telegraphs to Smythe, "Come yourself immediately;" so that it seems Woolley wanted Hastings here, and Adams telegraphed for Smythe to prepare for the "vote to be taken on Tuesday." At the same time Woolley telegraphs to the *Indiana Sentinel*, "Your correspondent *almost alone* believes in acquittal. Do not publish my signature."

On the next morning Webster telegraphed to Sheridan Shook at 12.40 p. m.:

WASHINGTON, May 8.

See W—— [Weed] immediately, and ascertain if that letter has been delivered. If not, have it done at once.

At 1.30 p. m. Shook replies to Woolley:

NEW YORK, May 8.

Albany and letter will be there-morning.

At 3.20 p. m. Shook again telegraphs to Woolley, (evidently in answer to Webster:)

NEW YORK, May 8.

That gentleman goes to Washington this evening.

And at 4.10 p. m. Weed, who had been seen by Shook, telegraphs to Webster:

NEW YORK, May 8.

The letter was delivered yesterday. He goes to-night.

Webster swears he had no connection with Woolley in these transactions. Can this possibly be true? The agreement in time, the sending for the same person, for the same purpose—about impeachment—all tend to show that Woolley, Webster, Shook, and Weed were acting for a common object, in pursuance of an agreement made at Weed's room in the Astor House on the 5th. Smythe did come on the 9th, as he admits in his testimony; the same day with Hastings. Webster's account of what Hastings was wanted for is, that Webster was employed by the Secretary of State to canvass senators' opinions, and find out how the vote stood; and that he sent for Hastings to help him, and for no other purpose whatever. If that were the only purpose, and there was no

connection between them. what did Shook and Woolley want Hastings here for ?

On the 8th of May, as it appears, Woolley wrote a letter to S. M. Murphy, a very large whiskey operator in Cincinnati of about a million dollars a year, which letter, after he got it, on the 12th, Murphy telegraphs to Woolley he cannot understand in connection with his telegraphic despatches ; but subsequent testimony shows it was a letter for money to be used about the trial. Woolley says "to pay President's counsel," who, if they have received anywhere near the money claimed to have been raised for them, have been liberally paid, to say nothing of the arrangement mentioned by Senator Henderson that a majority of them should be nominated to places in the cabinet in case of success, to wit: Evarts, Secretary of State; Groesbeck, Treasury; Stanbery, Attorney General—a contingent fee which might warrant pretty strenuous exertion in their client's favor.

HOW MUCH MONEY DID WOOLLEY HAVE, AND FOR WHAT PURPOSE, AND WHAT DID HE DO WITH IT?

When Woolley was first called before your committee on the 19th of May he was examined about three sums of money only which he had received from the First National Bank between the 8th and 12th of May, to wit: \$10,000 on his sight draft on Gillis, Harvey & Co., being the \$10,000 he swears he asked Shook to place to his credit May 6th by telegram, and \$5,000 which he received on his own draft on the Commercial Bank of Cincinnati, being the same day he sent to Shook for the \$10,000, and \$5,100 on another of his drafts on Gillis, Harvey & Co., indorsed by Judge Dunlevy, which was an overdraft of Woolley's account there. Woolley, being inquired of by the committee as to what money he had received, swore emphatically and positively that this was all the money he had possessed since his arrival in Washington, except \$80 which he had in his pocket when he came here, and he undertook to account for it in the manner related in his testimony. Woolley knew, however, that the committee had examined this account of the bank before he testified, and therefore undertook to account for so much as he knew could be traced into his hands.

[Extract from Woolley's first examination.]

Q. 16. Did you not on the 9th of May take from the First National Bank \$10,000 in cash?—A. I don't recollect the date. I took ten thousand dollars or so out for my own private business.

Q. 17. Did you not take on the 9th of May \$4,981 more?—A. I do not recollect. I took from the First National Bank three several sums on three different days, but what the exact sums or dates were I cannot tell.

Q. 18. Did you not take on the 12th of May \$5,100 more or thereabouts?—A. I don't know the date. I took that amount of money probably.

Q. 19. Since the 10th of May have you not taken from the First National Bank \$20,000?—A.—*I should not be surprised if I have.*

Q. 20. What did you do with that money?—*Devoted it to my own private business.*

Q. 21. To whom did you pay it?—A. I decline to answer it.

MR. BUTLER. That is all.

WITNESS. I want to qualify. I don't do this out of any want of respect for the managers. *I have professional obligations.* I am a lawyer by profession. I decline to violate these obligations. This is not connected with the President's impeachment at all. That is my answer. Do you wish me to criminate myself upon matters not connected with the impeachment trial?

MR. WILSON. We cannot tell what they are.

WITNESS. Protesting against the decision of the managers I proceed to give my answers.

Q. 22. To whom did you pay that money?—A. *I sent a check upon Sunday morning, in the forenoon, to Peter Schwab, of Hamilton, Ohio, for sixteen thousand dollars and odd upon the Commercial National Bank. On Sunday morning I mailed a letter to Peter Schwab, of Hamilton, Ohio, containing a check for sixteen thousand one hundred and odd dollars, returning to him money which he gave to me to use in revenue cases, and which I had been unable to use and which I simply returned.*

- Q. 23. On what bank?—A. On the Commercial Bank.
- Q. 24. Who drew it?—A. I did.
- Q. 25. Where?—A. Cincinnati, Ohio.
- Q. 26. When?—A. On Sunday.
- Q. 27. *Is this the way you account for the money about which you have been inquired of?*—A. Yes, sir.
- Q. 28. Is there any other way in which you account for it?—A. None other.
- Q. 29. Thus you account for the sixteen thousand one hundred and odd dollars?—Yes, sir.
- Q. 30. What did you do with the other four thousand?—A. I cannot account for it. I was trying to reckon it up.—I played poker and lost some money.
- Q. 31. How much?—A. I cannot tell.
- Q. 32. How much did you lose?—A. That is more than I can tell.
- Q. 33. About how much?—A. Fifty or seventy-five dollars.
- Q. 34. Is that all?—A. That is all I can recollect.
- Q. 35. Is that all you lost in games of chance?—A. I have lent some money.
- Q. 36. To whom?—A. Sheridan Shook.
- Q. 37. How much?—A. Two or three hundred dollars.
- Q. 38. Anybody else?—A. I lent H. C. Blackman, of Ohio.
- Q. 39. How much?—A. Fifty dollars.
- Q. 40. Anybody else?—A. I don't know. * * *
- Q. 41. You lent him \$50?—A. Yes, sir. *I have spent a large amount of money on dinners, breakfasts, and suppers, and hotel bills.*
- Q. 48. You have not given the item of the cost of the suppers.—A. I have been frequently in Welcker's, and have thrown my money around right and left. * * * I spent a large amount of money, and spent it when I did not know how. That is the only way in which I can account for it.
- Q. 60. Have you other deposits?—A. I have not made any myself.
- Q. 61. Have you directed any to be made?—A. I think I told my wife, on leaving, to have all the rents collected, and to put them in the bank. If done that will show for itself.
- Q. 62. With the exception of this \$16,000 check, have you drawn on your deposit since the 1st of May?—A. I drew for \$5,000 on the Commercial Bank.
- Q. 63. *Through what channel?*—*Through the first National Bank here. I think.*
- Q. 64. Have you drawn for anything else on that deposit?—A. No, I have not.
- Q. 65. Have you any other deposit in any other bank?—A. I keep a running deposit with Gillis, Harney & Co., New York.
- Q. 66. When did you deposit with them last?—A. I cannot tell.
- Q. 67. About what time?—A. There was \$10,000 deposited there, which belonged to Mr. Schwab.
- Q. 68. Had you any other deposit with Gillis, Harney & Co., except that?—A. I had not.
- Q. 69. Had you any other deposits elsewhere?—A. No, sir.
- Q. 70. Had you any letter of credit elsewhere?—A. No, sir.
- Q. 71. Have you paid any other money anywhere since the 8th of May than what you have told us of?—A. I cannot recollect that I have.
- Q. 71. Have you paid any considerable sum that you would not be likely to forget?—A. I do not recollect.
- Q. 72. Have you deposited any money anywhere since that time, i. e., May 8th?—A. Not in any bank.
- Q. 73. Have you with any individual?—A. No, sir.
- Q. 74. Then why do you say, "Not in any bank?"—A. Because it is not to my credit in any bank.

By Mr. WILSON :

Q. 75. What do you mean by that answer?—A. I mean to say that I have not put it in a bank. *I gave it to an individual who was owing me in New York, and told him to keep that money until I arrived there.*

By Mr. BUTLER :

- Q. 76. Who was that individual?—A. Sheridan Shook.
- Q. 77. How much did you give Sheridan Shook?—A. *I think between \$16,000 and \$17,000, as near as I can get at it.*
- Q. 78. In what?—A. Greenbacks, I think.
- Q. 79. What denominations of greenbacks?—A. Big bills; I cannot tell you. There may have been some five-hundred dollar bills. I think in one package I gave him some small bills.
- Q. 80. When did you give this to Sheridan Shook?—A. Sunday.
- Q. 81. At what time?—A. In the afternoon; I cannot tell at what hour.
- Q. 82. Before or after you were summoned here?—A. Before, I think.
- Q. 83. For what purpose did you give it to Sheridan Shook?—A. *For safe-keeping for me as an individual. Let me correct myself there. I gave that money to Shook to take over to New York to keep for me till a day when I intended to go to New York; then Dunlevy came and*

asked me to go west, and I thought I had better go there instead of going to New York, and let him carry it along.

Q. 84. Well, you gave it to him finally?—A. He kept it from the time I gave it to him.

Q. 85. Has he got it now?—A. I guess so, unless he spent it.

Q. 86. Did you take any memorandum for it?—A. No, sir; I did not want it.

Q. 87. Supposing he should have been killed?—A. I would have taken my chance.

Q. 88. Did you go on with Sheridan Shook, in the same train?—A. Yes, sir.

Q. 89. What sort of a package was the money in?—A. No package at all.

Q. 90. Did you count it?—A. I don't recollect exactly; I kept what I thought I would want myself, and gave him the parcel. If I were to state closely, it was about \$16,000; it was not \$17,000 I am satisfied.

Q. 91. Where did you get that money that you sent by Sheridan Shook?—A. *That is a part of the money that came out of the bank.*

Q. 92. The money that you took from the First National Bank?—A. Yes, sir.

Q. 93. Now, if you had not paid that money at all, why did you answer that you paid away the money which you took out of the bank for your own private business?—A. Because I had signed the check to my client, and considered that paying it.

Q. 94. But the client had been paid by checking on your house; now it turns out that you have not paid it.—A. I have paid it by check.

Q. 95. I asked you to whom you paid the money you got at the bank?—A. I told you I paid it to Peter Schwab.

Q. 96. You said you could not answer because it was professional business; and then you could not answer because it was private business; and now you have not paid it at all. How do you explain that?—A. I leave that to you. My explanation in the first place covers the whole ground, that is this, that I did not believe this committee had any right to examine me.

Q. 97. I want to call your attention to this matter a little further. You were asked in the first place, were you not, what you had done with the \$20,000 which you took out of the First National Bank; that was so, was it not?—A. Yes, sir.

Q. 98. You answered that you declined to answer because you had paid that money away in the course of your private business?—A. My explanation was that I had used that money in my own private business.

Q. 99. Then you declined, because as a professional man you had the right?—A. It was because as a professional man I did not admit the right of the committee to examine into that transaction; because they were wound up together, and I did not think the committee had a right to go into my private business, nor my professional relations. The one was private, the other professional, and both connected.

Q. 100. But having undertaken to answer, did you answer truly?—A. I answered so far as my appreciation of the evidence—question—taught me was the true answer.

Q. 101. Did you think it was a professional secret that you placed the money which you drew out of the bank in the hands of a friend for safe keeping?—A. That was a professional matter, growing out of professional relations and friendly relations, neither of which did I think the committee should investigate.

By Mr. BOUTWELL:

Q. 102. Did you give any directions to Mr. Sheridan Shook as to the use of the money?—A. I did not give any directions.

Q. 103. You did not direct him to deposit it?—A. I gave no directions to deposit it.

By Mr. WILLIAMS:

Q. 104. Is he a collector in New York?—A. He is collector of the 37th district.

Q. 105. What position does he hold? Is he the collector himself?—A. Yes, sir; he is.

By Mr. BUTLER:

Q. 106. Where have you kept this money since you took it out of the bank?—A. In my pocket.

Q. 107. Have you had it all the time from the time you took it out of the bank until you deposited it with Shook?—A. That is my recollection.

Q. 108. If you did not put it back in the bank you had it with you?—A. Yes, sir.

Q. 109. Did not you on Thursday offer to bet, and draw on the bank for money to bet with, \$5,000?—A. Yes, sir; I drew \$5,000 and offered to bet. I did not bet for the reason that I heard adverse rumors.

Q. 110. There is no occasion for explanation. Did not you deposit that check in the hands of Judge Dunlevy?—A. I did.

Q. 111. And did not he bring it back the next morning?—Yes, sir.

Q. 112. Did you not say to him that you had not any money, and you wanted him to recommend you so that you could draw some more.—A. I never used that expression; if I did I do not recollect it.

Q. 113. Did not you, when you had \$15,000 in your pocket, get the judge to go up and indorse \$5,000 more?—A. Yes, sir.

Q. 114. Then you had no use for it?—A. I intended to bet the money at the time I drew it.

Q. 115. But you had bet, had you not, and put the check up?—A. I had not; not one cent. No, sir, I had not put it up in his hands at all.

Q. 116. Did he not bring it back in the morning and tell you you had better not bet?—A. No, sir, but that I better draw a regular bank check, and I went up and drew it.

Q. 171. Did you see General Ewing?—A. I have not seen him but once; I was once introduced to him in New York, but he has never recognized me since.

Q. 172. Did any one speak to you of General Ewing in reference to impeachment?—A. No, sir; I was perfectly surprised to hear that General Ewing was summoned; I did not know that he was working for the President.

By Mr. WILLIAMS:

Q. 173. Did you know all the persons who were working for the President?—A. I did not know them all; I knew this, that the Postmaster General took a great interest in the matter; I knew that Mr. Evarts was very active.

By Mr. WILSON:

Q. 174. In what respect?—A. By his high standing and action, and by rumor.

Q. 175. What was the common rumor?—A. The common rumor was he was of some service to the President by his ability, his speech, and his standing with the conservatives, and such things as one gentleman acting in defending the course could do.

By Mr. WILLIAMS:

Q. 176. That is, after the trial?—A. I do not know of his talking to a single person except myself; except it was generally understood by the friends of the President that he was extremely solicitous for him. But to any extent of interference I would ask him when I met him, "Mr. Evarts, how do you feel?" "I feel confident," was his invariable reply.

By Mr. WILSON:

Q. 177. Was it not rumored that Mr. Evarts was using his persuasive power after he had concluded his argument in the Senate?—A. I cannot say that it was, upon senators.

Q. 178. Will you please answer my question?—A. I will answer that he was understood to be generally active.

Q. 179. I ask you whether it was understood among the friends of the President that Mr. Evarts was using his persuasive power after the conclusion of the argument?—A. I cannot say how it was understood among the friends of the President. I understood it so.

Q. 180. From what source did you get your opinion?—A. General rumor. I don't know from whom.

By Mr. WILLIAMS:

Q. 181. Did you not see him in company with the men who were understood to be exerting themselves actively in that direction?—A. Mr. Evarts was rarely in anybody's company in the hotel. I saw him once in a while with Groesbeck.

Q. 182. Did not you meet him at private entertainments with men of that character?—A. Yes, sir, I have met him at two entertainments that I have described.

By Mr. BUTLER:

Q. 206. Have you heard or known directly or indirectly of any amount of money being raised or promised to be raised to be used for any purpose about the impeachment?—A. No, sir.

Q. To pay the President's counsel or otherwise?—A. I think I heard there was some money raised for the President's counsel; of nine thousand dollars I think Mr. Groesbeck told me he had got \$2,200; he supposed that the same amount had been paid to the balance of the counsel.

Q. 208. By whom was the money raised?—A. That I don't know. I don't know that it was no the President's money.

By Mr. WILLIAMS:

Q. 209. Why did you say that you understood that money had been raised?—A. Because I do not believe the President had any money himself. I do not know anything about the raising of money, directly or indirectly.

Q. 210. Do you know of any other money for any other purpose being raised?—A. No, sir.

Q. 211. Have you ever said you did?—A. No, sir, not to my recollection. I can say this, I never intended it if I said it, and I don't think I was fool enough to say a thing I did not intend.

It will be observed in this testimony, 1st. That he accounts for this money, except \$3,000 and upwards, which he squandered, by paying it out on his own private business. 2d. He refused to disclose particulars, it being a professional secret. 3d. He had sent it to Peter Schwab, at Cincinnati, in a check; and, lastly, that he had given it on Sunday afternoon to Sheridan Shook for safe keeping. Mr. Woolley was examined May 19, and after he had given these

explanations immediately telegraphed for Shook to come here for a very manifest purpose, who excused himself because he was sick :

NEW YORK, *May* 19, 9 p. m.

Dittenhoeffer to Hooker, Washington.

Shook is sick ; requested me to telegraph you that he will not come at present.

Your committee, however, while Woolley was being examined, telegraphed to Sheridan Shook as follows :

WASHINGTON, *May* 19, 1868.

Did C. W. Woolley place in your hands an amount of money ? If so, what amount and when ? Answer by telegram.

And on the same day received this reply :

NEW YORK, *May* 19, 1868.

He did not at any time place any money directly or indirectly in my hands.

SHERIDAN SHOOK.

As Sheridan Shook was ill and could not come to him, Woolley concluded to go to Shook, before he testified further, and therefore it was that on the next day Woolley appeared and refused to answer and was dismissed, while your committee consulted on the question of their rights and duties and the privileges of the House, but was ordered to appear the next day. On the following day, (the 21st,) when he should have been present, the committee received the certificate of his physician, Dr. Bliss, as an excuse for his non-appearance, that Woolley was "confined to his bed by reason of irritative fever ; *sequella* of gastric derangement."

Not to be uncharitable, your committee are obliged to pay a passing compliment to the skill of the doctor, because he so far cured his patient before night that he was enabled to take a night ride to New York. It is but just to the doctor to add that his patient left him without his knowledge or consent.

In the mean time, Ransom Van Valkenburg, Cornelius Wendell and Sheridan Shook had a meeting at the Astor House at 11 o'clock on the 20th, by previous arrangement, as will appear by the following telegrams. Webster was also telegraphed to be there :

WASHINGTON, 11.07 a. m., *May* 20.

E. D. WEBSTER, *New York* :

Will be at Astor at 11 to-night. All right.

C. WENDELL.

WASHINGTON, *May* 20, 11.38 a. m.

SHERIDAN SHOOK, *New York* :

Meet at the Astor House at 11, sure, to-night.

R. VAN VALKENBURG.

The purpose of this meeting will be considered in another place.

After having remained at New York until the House met on Monday, (25th,) a warrant was issued on that day to bring Woolley before the bar of the House, when, refusing to answer, he was committed for contempt ; and remained thus in contempt for not answering as to the genuineness of his own signature until he offered to come before the committee and make full answers, which he did on the 11th of June, and was thereupon discharged.

Your committee have been thus particular in showing the conduct of Woolley upon his examination, because if he is proven to have given a false account of the way he disposed of the money which he had raised, or any part of it, then the inferences against him that he had disposed of it for the purpose for which the telegrams proved it was raised are of the very strongest character. Specially must that be so if the committee can show that after inquiry made, and after he was in contempt for refusing to answer, he deliberately imposed upon the House a false and perjured statement as to what he had done with the money as a part of the excuse for his contempt.

It will be observed that your committee having shown into his hands at that time only \$20,000, he never has attempted to account for any greater sum. It will appear hereafter that a very much larger sum than he has attempted to account for was raised by him, or put into his hands, beyond all doubt for purposes of impeachment.

While he was confined by the House an attempt was made, with the assistance of his counsel, to get up an explanation of what became of \$16,100 of the \$20,000 that he took from the First National Bank.

The unpleasant state of facts to be met by the counsel of Woolley was this : Woolley had sworn that, on the afternoon of the 17th of May, (Sunday,) he had given \$16,100, part of it \$500 bills, to Sheridan Shook, to keep for him, and Sheridan Shook has sworn he never received it. Now, it became necessary to show both of these statements were true, because are they not "*all, all honorable men?*" Therefore the somewhat novel but not ingenious theory was concocted that these honorable gentlemen were both so drunk on that Sabbath afternoon that one thought he gave \$16,100 to the other, for safe keeping, and did in fact give him the money, and the other did not know it, although in fact he received the money : therefore one R. Van Valkenburg, a special agent of the Secretary of State to the island of St. Thomas, Mr. Weed being his confidential friend, Mr. Webster and Hugh Hastings being employed, if we believe Webster, to canvass the votes of senators for the Secretary of State—Van Valkenburg is present, opportunely enough, to see Woolley pass the money on this Sabbath day to Shook ; to see Shook too drunk to take it ; whereupon the messenger of the State Department took it, and, as he testifies, went directly with it to Mr. Seward's house. The committee will give Mr. Van Valkenburg's description of that delicate but timely operation, by which the diplomatic agent of the State Department claims to have fully vindicated the character for integrity and truthfulness of both Shook and Woolley. Here is Mr. Van Valkenburg's entire testimony as to this transaction :

Question 1. Where do you live?—Answer. At Albany.

Q. 2. When did you come to Washington the last time?—A. Two weeks ago last—well now, I cannot recollect.

Q. 3. When were you here before that?—A. From the latter part of December till after the impeachment matter.

Q. 4. What was your business during the time you were here?—A. I went to the West India islands to carry a message for Mr. Seward in regard to the purchase of the island of St. Thomas.

Q. 5. When did you return from the West India islands?—A. I was at home at Christmas. On the 27th I left Albany, stayed one day in New York, and came here.

Q. 6. What was your business from that time onward?—A. Nothing in particular ; I had nothing special to do, but looking around.

Q. 7. Were you well acquainted with Sheridan Shook?—A. Very well indeed.

Q. 8. And with C. W. Woolley?—A. Yes, sir ; I have known Woolley some time.

Q. 9. When did you go to New York to meet Shook at the Astor House?—A. I did not go to meet him at all.

Q. 10. Did you not arrange to meet him?—A. I telegraphed that I would like to see him at the Astor House.

Q. 11. When?—A. I cannot give the date.

Q. 12. At what time of the night did you want to see him?—A. At the arrival of the day train. I arrived at 12 o'clock.

Q. 13. On what business?—A. *I don't know ; I have forgotten what the business was.*

Q. 14. The 20th of May, was it not?—A. I don't recollect.

Q. 15. Who went on with you?—A. That I don't recollect.

Q. 16. Did Cornelius Wendell go?—A. Yes, sir.

Q. 17. Did he meet you at the Astor House?—A. He stopped there.

Q. 18. *Did he and Shook and you meet at the Astor House?*—A. *We might have met ; I don't know*

Q. 19. Did Webster meet you there?—A. Not to my knowledge.

Q. 20. Did you meet Weed there?—A. He has a room there.

Q. 21. Did you meet him?—A. I do not recollect if I met him that Sunday or not.

Q. 22. That was not Sunday?—A. Well, whether it was Sunday or Monday, I did not keep a log of it.

Q. 23. Did you see Shook, and Weed, and Wendell there together?—A. I did not.

Q. 24. Did you see Shook?—A. I did.

Q. 25. Did you see Shook and Wendell together?—A. I did not.

Q. 26. Did you see Wendell and Webster together?—A. I did not.

Q. 27. And you did not see Webster?—A. I did not.

Q. 28. Was your hotel the Metropolitan while here?—A. Yes, sir.

Q. 29. Did you take any package of money from Woolley or from Woolley's room at any time?—A. I did.

Q. 30. When?—A. It was the Sunday night after the eleventh article was passed on.

Q. 31. At what time in the night?—A. It might have been about 4 or 5 o'clock in the afternoon.

Q. 32. Nearer five than four?—A. I could not tell; I paid no particular attention to it.

Q. 33. Who was in the room at the time?—A. *Shook was lying down asleep*; Woolley was in the bed-room right off of it, not dressed, lying there with only his pants on.

Q. 34. Who else?—A. Quite a number; half a dozen; some that I did not know. *It is called the whiskey room number six.* There were numbers passing in and out.

Q. 35. Where did you take any money from?—A. I took it up off the table.

Q. 36. *In what form of package was it?*—A. *Rolled up in a little brown paper.*

Q. 37. Did you count it there?—A. I did after I got down stairs.

Q. 38. You did not in the room?—A. No, sir.

Q. 39. Who saw you take it?—A. Robert Strong.

Q. 40. Who is he?—A. He is one of the keepers over at the jail.

Q. 41. How came he there?—A. He went with me.

Q. 42. Did anybody else see you?—A. I don't think anybody else was in the room but Shook and Woolley.

Q. 43. How long had the money been lying on the table?—A. Not many minutes; he gave the money to Shook. I offered to bet \$10,000 or \$20,000 that Grant would get the election, and he said Pendleton would, and proposed to put the money in Shook's hands.

Q. 44. Did you put up yours?—A. I proposed to, and gave it to Shook; and Shook said, "Go to hell; I am not going to hold stakes for you and Woolley;" and Woolley threw it down on the table, and went back and lay down.

Q. 45. And it lay there, and you took it up?—A. Yes, sir.

Q. 46. And you did not speak to Woolley?—A. No, sir.

Q. 47. Nor to Shook?—A. No, sir; they had both been drinking, and I thought I could keep it as well as anybody else.

Q. 48. *Had you been drinking?*—A. *I had.*

Q. 49. *Who was worst of the three?*—A. *I think they were; they were lying down, and I was sitting up and walking around.*

Q. 50. How long had you been there?—A. An hour and a half, I reckon, at that time.

Q. 51. How long had Woolley been in that condition?—A. I don't know. He was in that condition from the time the President was acquitted until he took the train for New York.

Q. 52. During which part of the time was he the drunkest?—A. I don't know—all day.

Q. 53. And Shook in the same condition?—A. Yes.

Q. 54. Woolley was not fit to do business?—A. Not at that time.

Q. 55. How came you to be offering to bet \$20,000?—A. I occasionally put up a few thousands.

Q. 56. What, with a drunken man?—A. *With anybody that comes along. There is no friendship in trade with me.*

Q. 57. Shook refused to hold the stakes, and you concluded you would?—A. I did.

Q. 58. Did you see Woolley off that night?—A. I did not; I did not know he was going.

Q. 59. Had you been in that room all the time for an hour and a half?—A. I had been there through the afternoon. I think we got there at 11 or 12 o'clock and staid till between 4 and 5 o'clock. *Then I got this money and drove up to Seward's, and when I came back I found Woolley had gone to New York with Groesbeck and that class of men.*

Q. 60. Had Groesbeck been in there?—A. He had been in there, passing in and out, and drank some wine with us.

Q. 61. Was Evarts there?—A. Yes; but I did not see him drink.

Q. 62. Then you went up to see Mr. Seward?—A. No, I went up to see James Donaldson, Seward's man.

Q. 63. Was the money with you?—A. It was in my pocket.

Q. 64. Then you went back to the hotel?—A. I did, and found Woolley had gone.

Q. 65. Did Strong go with you?—A. Yes, sir.

Q. 66. And he came back with you?—A. Yes, sir.

Q. 67. And you counted the money down stairs?—A. I counted it before I went up to Seward's, and put it in my side pocket.

Q. 68. And having done that, you carried it down to the Metropolitan Hotel?—A. I did.

Q. 69. And what did you do with it then? A. *I gave it to Shelly, and he deposited it in the safe.*

Q. 70. *The same night?*—A. *Yes, sir.*

Q. 71. In what form of package did you deposit the money? A. I have it in my pocket in the paper that I put it in.

Q. 72. Was it sealed?—A. I think so; I do not recollect.

Q. 73. Where did you seal it, if it was sealed?—A. I don't know where I did seal it.

Q. 74. Was it in an envelope?—A. Yes, sir.

Q. 75. Where did you get the envelope; did you have an envelope with you?—A. I don't know whether I did or not; I got the envelope in the office at Willard's Hotel.

Q. 76. Was it a large or a small one?—A. A large one.

Q. 77. Have you any knowledge of having changed it since?—A. I have not.

Q. 78. I want to see it.—A. You cannot see my papers. There is the money. [Witness then threw upon the table a small roll, covered with brown paper.]

Q. 79. I propose to see the package?—A. I propose you shall not.

Q. 80. Have you, in obedience to your summons, brought here that package which you deposited in the safe at the Metropolitan Hotel?—A. Yes, sir.

Q. 81. Will you now produce the package, in the condition in which it was, as near as possible, when you deposited it? [Witness took the package from his pocket, but retained it in his possession.]—A. I have shown it to you.

Q. 82. Will you allow me to see the package?—A. No, sir. I will show you the package, but you cannot go into my private papers.

Q. 83. The package and money I desire to see?—A. No, sir.

Q. 84. Will you or not allow the committee to see the package in which that money was put, and the papers connected with it, which was put in that safe and in the same envelope?—A. I answer your question—I will not show it; I will show the money.

(The witness was here requested to retire, and on his recall was further examined.)

Q. 85. Upon some consultation the sub-committee who are empowered to take testimony, by a vote of the House, have come to the conclusion to put the question to you once more. The committee desire to see the package of money and papers precisely as they were deposited by you in the safe, to examine the package for the purpose of eliciting the facts in regard to it?—A. Have I a right to say a word? Mr. BUTLER. You can answer that question.—A. Oh, I know what you will do with me if I don't show you to a moral certainty.

Q. Then why do you not allow me to see it?—A. *I don't like to have you have your own way.* [The papers were then handed to Mr. Butler, and the witness, without any question being put to him, remarked, "There may be something I don't know, so help me God."]

Q. 85. *Are these papers which you produce in the same condition and the same papers which you put into that safe that Sunday?*—A. *So help me Heaven, I have not seen them since.*

Q. 86. Has there been any addition to or subtraction from these papers?—A. None to my knowledge, so help me God. [The papers were examined by the committee, the numbers upon the bills taken by the clerk, the money counted, and the papers and money returned to the witness.]

Q. 87. You have never seen these papers until last Saturday since you put them there?—A. *I have not.*

According to this account, the money being put on the night of Sunday (17th) in the safe of the Metropolitan Hotel, in Washington, remained there in the same condition until the 9th of June, when it was produced before the committee; save that the identical money was once counted on the Saturday night previously, *at the request of Mr. Van Valkenburg*, by Cornelius Wendell, who, it will be remembered, is the same Wendell who made a certified copy of the forged letter of Mr. Pomeroy in the room of the Postmaster General.

The counsel of Mr. Woolley, to fortify the statement of Van Valkenburg, as appended to Woolley's answer to the House, caused to be produced the affidavit of Mr. Shelly, one of the proprietors of the Metropolitan Hotel, who deposed that he had no recollection of putting this package into the safe on Sunday night; but on the Wednesday following, the 21st, (the date is material,) Mr. Van Valkenburg called on him in New York, expressing apprehension lest his valuable package of papers containing the money might be lost, because it was in the outer safe of the hotel, to which all the clerks had access, and desired he would telegraph his partner to have that package put in the inner safe in his hotel, in Washington, to which he and Mr. Shelly alone had the keys. To oblige a guest Mr. Shelly complied with his request, so that Mr. Van Valkenburg was relieved as to the safety of the \$16,100 which he thus held in trust for Woolley.

Mr. Shelly, on being called before the committee, gave substantially the same account, and added that the package of Mr. Van Valkenburg's papers into which this money in a little roll had been claimed to have been put, had been lying on deposit in the outer safe during the winter, while Mr. Van Valkenburg was his guest. So that it was not fear for the safety of his papers in that outer safe which disturbed Van Valkenburg's peace of mind, but that of the money.

It is needless to say that your committee believed no part of this stupid fabrication, and they therefore summoned Mr. Cornelius Wendell, who happened to have been out of town and therefore not well acquainted with the form in which Mr. Van Valkenburg had chosen to place his story, and this fact will account for the testimony which Mr. Wendell thereupon gave. It will be recollected that at 11 a. m., of the 20th of May, Wendell telegraphed to E. D. Webster, apparently in answer to a telegram from him, "Will be at the Astor at 11 to night—all right;" and half an hour afterwards, on the same 20th of May, Van Valkenburg telegraphed to Sheridan Shook, "Meet at Astor House at 11 o'clock, sure, to-night." Wendell testifies that thereupon Van Valkenburg and himself took the 12 o'clock m. train to New York, and went to the Astor House at 11 p. m., and there met Mr. Shook. What occurred there is best given in the words of Wendell himself:

Q. 8. When did you first learn from Mr. Van Valkenburg that he had any money which was supposed to belong to C. W. Woolley?—A. Wednesday evening at the Astor House.

Q. 9. Who else was there?—A. Sheridan Shook was the only person present when he said he had the money.

Q. 10. In what room was that said?—A. I think it was number twelve or thirteen.

Q. 11. Whose room was that?—A. I do not know. It was on the opposite side of the hall to the room of Mr. Weed.

Q. 12. Did Mr. Van Valkenburg produce the money there?—A. He did produce a roll of bills, and said, laughingly, "Here is his money," in answer to a remark made by Shook.

Q. 13. What was that remark of Shook?—A. That Woolley has sworn that he had given the money to him (Shook,) and that he had never given him a cent. Then Mr. Van Valkenburg said: "*I have got his money; here it is.*"

Q. 14. What sort of a package was that which he produced?—A. It was a small package about half as large again as my finger. It was done up roughly, and I remarked, "You are a little careless about it," or something to that effect. It was put up roughly, as a man would *do it when in a frolic*. Shook remarked that Woolley had sworn that he had given the money to him, and he was a good deal excited and said "*Woolley was a drunken vagabond, and did not know what he had done with his money.*" Then Van Valkenburg said, "*I have got his money; here it is.*"

Q. 15. What did Shook say when he produced it?—A. I forget the remark. *He appeared relieved.*

Q. 16. Did Mr. Van Valkenburg state how he came by it?—A. He mentioned that he took it from him, saying, "I took it." He said, "Here is his money."

Q. 17. Where did he say he took it from?—A. He did not say, that I remember.

Q. 18. Did you meet these parties there by agreement?—A. No, sir; I met Mr. Van Valkenburg in the cars. I did not know he was going, and I do not know that he knew I was going.

Q. 19. How came you in that room together?—A. I was standing at the office, and Van Valkenburg said "Shook is here;" and we passed the compliments, and then Shook commenced telling about this thing and we *went around into the room; and then Van Valkenburg produced the bills.*

Q. 20. You say they were roughly rolled up?—A. Yes, sir.

Q. 21. What did Van Valkenburg do with the money?—A. He put it in his pocket inside of his vest.

Q. 22. I have seen an affidavit of yours that you afterwards counted the money with Van Valkenburg at the Metropolitan Hotel one Saturday evening. Was that the next Saturday after you met him in New York?—A. No; I think it must have been some two weeks after.

Q. 23. Did you see the package taken from the safe?—A. Yes, sir.

Q. 24. In what condition was the money then?—A. *It was in a little roll about the same as when he exhibited it in New York. It was wrapped up in a little thin paper.*

Q. 25. Such as you take from the bar at the hotel?—A. Yes; it was evidently taken in that way. It had two wrappers on it.

It would seem, therefore, if Mr. Wendell is to be believed—and he is to be believed when he tells the truth—that at 12 o'clock on Wednesday night, the 20th of May, the \$16,100 of Woolley, which Van Valkenburg swears he had

deposited in the safe of the Metropolitan Hotel, in Washington, on Sunday evening, the 17th, and which had remained therein ever since till produced before the committee, *was actually in his pocket at the Astor House between 11 and 12 at night on Wednesday, the 20th, following*, and was exhibited to relieve the mind of Shook, who fortunately had almost as miraculous a recovery as Woolley from the sickness he had been afflicted with the day before, so that he could come to the midnight meeting at the Astor House; and it further appears that Mr. Van Valkenburg must have had the money in his pocket, in New York, when he was asking Shelly to telegraph to Washington to have it put in the inner safe of the Metropolitan Hotel, lest it might be lost. Among the minor discrepancies in this tale is the fact that they produce 17 one-thousand bills, and \$100 beside in small bills, while Woolley swears his money was large bills, but in five-hundred-dollar bills. Another trouble is, Van Valkenburg swears to finding \$17,100, while Woolley says he had only \$16,100 to lose, and he had sent that to Peter Schwab in a check.

Your committee did not feel it necessary to probe this mass of corruption any further, and would apologize for devoting so much attention to it in their report, save that it exhibits the quality of the men who were the devoted friends of President Johnson, the companions and aids of his counsel to procure his acquittal and foil the justice of the nation.

WHAT OTHER MONEY HAD WOOLLEY?

In examining this question, after the exposé of the entire uselessness of relying upon the testimony of any of the witnesses interested, your committee will endeavor to trace from the documents the money received by Woolley from various sources between the time he was at Weed's room, the 5th of May, and the 19th, when he was before the committee. In the first place it is not true that he paid his current living expenses, however considerable, from the \$20,100 which he received from the First National Bank of Washington, because it will appear that he drew on Gillis, Harney & Co., New York, in favor of Sykes, Chadwick & Co., proprietors of Willard's Hotel, for \$1,110 08, for 20 days' expenses. He received from the same bankers \$17,300 in addition, and from the Commercial Bank of Cincinnati \$6,200.

He telegraphed on the 6th of May to S. Shook: "Place ten to my credit at Gillis, Harney & Co.'s to-day. Answer." Again, on the 11th he telegraphs to Shook: "We need ten *more*; I have given five; raise the other in New York. Answer." On the 12th Woolley, under the cipher of "Hooker," telegraphs to Shook: "*The five* should be had; may be absolutely necessary." Now Shook testifies explicitly he did not pay this money to Gillis, Harney & Co., in accordance with Woolley's telegram, but Peter Schwab testifies that the \$10,000 which was paid to Gillis, Harney & Co. was paid by him through one Delong, and Delong testifies he carried it there as Schwab testifies, and that it had no connection with Shook whatever, so that *that* does not come from Shook; Shook testifies "that he raised or paid no money" for Woolley whatever; but he is not to be believed at all, because he swears that he did not know what those telegrams—"place ten to my credit;" "must have ten more;" "the five absolutely necessary"—meant; that he did not understand them at all; and yet he never inquired what they meant, although required to answer them, and afterward he came and met Woolley, a story which no man will credit. That Woolley got the first ten, is evident, for he required an answer to his telegram. This was the 6th, and if the money had not been furnished he could not have telegraphed on the 11th, "We want ten *more*"—if he had got none—"raise it in New York"—showing conclusively it had been raised in New York. "I will give the other five." How did he propose to raise that?

On the 8th of May Woolley had written S. M. Murphy & Co., of Cincin-

nati, to get a subscription among his friends for \$5,000. That letter is not produced; but the urgency for the money is shown by the following telegrams:

WASHINGTON, May 12—1.25 p. m.

Hooker, jr. to Samuel M. Murphy, Cincinnati, Ohio:

Press matter alluded to in my letter. Impeachment postponed. The fight bitter. We have the best of it, but may lose by neglect.

To that Murphy replied:

CINCINNATI, May 12—6.4 p. m.

Samuel M. Murphy to C. W. Woolley:

Letter of 8th instant received. None since. Don't understand your despatches. Don't know what you want done.

And Woolley again telegraphs him directly:

WASHINGTON, May 13—12.7 p. m.

Hooker, jr., to S. M. Murphy, Cincinnati, Ohio:

I want you to get \$5,000 from the persons and for the purposes stated in my letters of the 8th instant.

This shows he was to receive \$5,000 from that source, which was \$5,000 of the \$10,000 he was to raise. On the same 12th of May he telegraphs Perry Fuller, care D. W. Voorhies, Metropolitan Hotel, "Did you do this morning as I told you?"

Fuller denies that he knows what this despatch means, which of course is not true, but its tone of inquiring command shows Woolley the manager of Perry Fuller, who is engaged in the "Chase movement;" and that money was wanted by Fuller for some purpose outside his business the day before the vote was taken is evident from the telegram of his partner in New York:

NEW YORK, May 15—9.50 a. m.

PERRY FULLER, Washington:

Don't draw on us; we are so short; we have to take care of contracts.

CHARLES.

I will call on you for no more than I pay myself, is telegraphed by Woolley; and as Peter Schwab had paid \$10,000, Woolley himself evidently was to pay as much, and without doubt did. Your committee think the preponderance of the evidence shows Woolley did have this sum of money.

Murphy's denial of the fact of having paid any money, or that Woolley had not drawn, is not to be credited, because he confesses in his testimony that he had bribed one George Jenkins, who had been employed by the committee at his own request to point out the witnesses to be summoned in Cincinnati to the messenger of the Sergeant-at-arms, by a feigned loan and an actual payment of \$250, to conceal the fact of his (Murphy's) presence in Cincinnati so that he might not be summoned; and indeed he was not found, although diligent search was made for him, until long afterward, in New York, and not until he had an interview with J. C. Dunlavey, Woolley's counsel, as to what had been testified before your committee.

Your committee believe that Woolley's receipts are fully proved to have been as follows between the 5th and 19th of May, *i. e.*:

From the Commercial Bank of Cincinnati and Woolley's overdrafts	\$6,200 00
From Gillis, Harney & Co., (including Schwab's deposit)	17,300 00
From Sheridan Shook	15,000 00
Draft on S. M. Murphy (or Cincinnati)	5,000 00
Paid by Schwab on draft as per telegram	1,000 00
Add expenses paid Sykes, Chadwick & Co.	1,110 08
	45,610 08

Your committee do by no means believe, through the imperfect medium of telegraphic correspondence and witnesses so utterly regardless of truth as many of those before them, that they have traced all the money which Woolley received; and while they feel reasonably certain that he received at least so much as is put down against him, they have no doubt he got more.

There cannot be a doubt that the bulk of this money was got for any other purpose than to influence the votes upon acquittal.

The pretence that this money was raised for the President's counsel is as false as it is futile. Where was the necessity for such hot haste if the money was to pay counsel? The case had not then closed. Why telegraph to Shook "the \$5,000 must be had—may be absolutely necessary?" Was either of the President's counsel going to abandon him if Woolley and Shook did not raise \$5,000 more at once? It is not even pretended that a word was said about raising funds to pay the President's counsel in that remarkable interview in Weed's room; and in his first examination, before it became necessary to explain his letter to Murphy, Woolley himself testifies he never knew anything about raising money for the President's counsel, and only heard some had been raised.

The only other pretenses to account for this large sum of money raised by Woolley, in order to influence legislation upon the revenue bill in favor of S. Shook and others, is shown by every fact developed in the case to be false and an after-thought. In the first place, Woolley first arrived in Washington on this enterprise at 6 o'clock on the morning of the 6th of May; the revenue bill was at that time before the Committee of Ways and Means; at 20 minutes past 11 on the same day, he telegraphs Shook: "My business is adjusted—place ten [\$10,000] to my credit." Is anybody so credulous as to believe that he had procured the Committee of Ways and Means—to say nothing of the House or the Senate—to adjust the revenue law to suit his client, Sheridan Shook, so as to need \$10,000 to pay for the "adjustment," between 6 and 11 o'clock? That would imply a celerity in corruption greater than "railroad speed." Again, J. C. Dunlevey, who was the attorney of the whiskey dealers before the Committee of Ways and Means, and associate counsel of Woolley in whiskey cases, testifies in effect that he never heard of Woolley's efforts to change the provisions of the revenue law, and that he does not believe Woolley even knew what the provisions of the law were—much less was he working to change them.

The whole series of telegrams of Woolley and his associates during the time covered by his operations here shows conclusively that his whole attention was turned to preventing the conviction of the President upon impeachment, and to that alone.

The inordinate exultation upon the acquittal which breathes through every line they send or receive points unerringly to the fact that their work alone was to save the President.

That the House may be convinced of this, your committee give a few telegrams selected from hundreds which cluster about the two epochs of the trial, the 11th and 12th of May, when the opinions of senators were delivered and vote was expected to have been taken, and the 16th, when the vote was actually taken, showing the certainty in the minds of these persons before the event how it would terminate, and their great joy at the result:

WASHINGTON, *Ma* 11—11.05 a. m.

C. W. Woolley to Peter Schwab, Indianapolis:

Make no bets. Act on what I despatch Sentinel to-night.

WASHINGTON, *May* 11—2.52 p. m.

Philo Durfee to Robinson, Cox & Co., New York:

See that Fenton gets my despatch promptly. Bet acquittal for me \$5,000.

WASHINGTON, May 11—3.50 p. m.

Hooker, jr., [Woolley,] to Ben. Robinson, Cincinnati, Ohio :

Keep close to telegraph for news to-night. Hell going on at Senate now. I am in look out chair.

WASHINGTON, May 11—4.25 p. m.

*H. A. Smythe to Appleton * & Co., New York :*

Matters look well; though still some doubt.

WASHINGTON, May 11—6.10 p. m.

C. W. Woolley to J. S. G. Brent, New York :

President's stock above par.

WASHINGTON, May 11—6.25 p. m.

Fuller to Louis Stettaur :

All looks well.

WASHINGTON, May 11—6.25 p. m.

Fuller to H. B. Dimmon, New York :

Friends confident carrying their points.

WASHINGTON, May 11—7.05 p. m.

Woolley to D. W. Ives, New York :

Impeachment gone higher than a kite.

WASHINGTON, May 11—7.15 p. m.

W. S. Hillyer to H. C. Banks, New York :

President's acquittal certain.

WASHINGTON, May 11—7.35 p. m.

L. E. Webb to M. S. Bright, New York :

My head's level. Doubtful. Chances against conviction. May get certainty by 10 to-night.

WASHINGTON, May 11—7.45 p. m.

Hooker, jr., [Woolley,] to Ben. Robinson, Cincinnati :

Damn their souls; we have them at last.

WASHINGTON, May 11—7.45 p. m.

C. W. Woolley to Indianapolis Sentinel :

The President will be acquitted to-morrow, unless the radicals postpone the vote.

WASHINGTON, May 11—10.25 p. m.

C. W. Woolley to A. A. Phillips, Hamilton, Ohio :

Andy is all right.

WASHINGTON, May 12—9.25 a. m.

Hooker, jr., [Woolley,] to S. M. Murphy, Cincinnati, Ohio :

Get Cook and Shorty to aid you about my letter. Impeachment vote will probably be postponed. Have drawn on you. We are all hard at work still.

WASHINGTON, May 12—12.59 p. m.

F. to Louis Stettaur, 45 Murray street, New York :

Senate adjourned until Saturday. Make no bets. I look upon acquittal surtin [*sic.*]

WASHINGTON, May 12—12.50 p. m.

Charles [Woolley] to Hon. Geo. H. Pendleton, Cincinnati, Ohio :

Impeachment postponed to Saturday for illness of Howard. Tell Shorty to keep his powder dry. We have them by the throat and can only lose by a possibility. Tell my wife.

WASHINGTON, May 12—3.15 p. m.

Woolley to B. W. McLean, Cincinnati, Ohio :

Fessenden, Trumbull, Grimes, Henderson, have expressed themselves for acquittal. I believe they will stick. The fight is bitter beyond description. Help Samuel Murphy† all you and Faran can.

* The same whom Newton swears he introduced to the President, and who had raised \$100,000 for him.
† i. e., to raise money.

WASHINGTON, May 15.

Bismarck, Jr., [Woolley,] to Peter Schwab, Hamilton, Ohio :

Andy all right. No vote will be taken to-morrow probably. Pay for this, damn you.

WASHINGTON, May 16—8 a. m.

Charley to Hon. Geo. H. Pendleton, Cincinnati :

We have beaten* the Methodist Episcopal Church North, hell, Ben Butler, John Logan Geo. Wilkes, and Impeachment. President Johnson will be acquitted if a vote is had to day. Tell my wife.

WASHINGTON, May 16—1.10 p. m.

Charles to Hon. Geo. H. Pendleton, Cincinnati :

The vote on the first article against impeachment is the beginning of the end. Get your cannon and powder ready.

[NO DATE.]

C. Wendell to Thurlow Weed, New York :

As safe in the future as in the past.

The question has occurred to your committee, what motive could Woolley and his Ohio friends have for their so extraordinary exertions in behalf of the President? The commonly received idea that their interest in the continuation of the corruptions in the collection of the taxes on whiskey, although confessedly a strong motive, is hardly a sufficient one, and certainly not the only one operating on Woolley and his friends. Woolley testifies that he came here in the interest of Mr. Pendleton, to endeavor to make him the candidate of the democratic party, and of course to elect him to the Presidency. It would be very desirable, therefore, to place the President of the United States, with the immense patronage of his office, under obligations to the friends of Mr. Pendleton, so that the power of the administration might be wielded in Mr. Pendleton's favor as well in the nomination as in the election. The President of the United States, by an extraordinary message to Congress, in commendation of the civil administration of General Hancock, in Louisiana, had brought him forward prominently as a candidate for the democratic nomination. To wean the President from this preference for Hancock, and bring him to the support of Mr. Pendleton, by laying him under obligations to the friends of Mr. Pendleton, was at once the object and end of Woolley's labors.

What greater obligation could Andrew Johnson be under than to owe to the successful efforts of the accredited agent of Mr. Pendleton his acquittal upon a trial where conviction would end his official career, and render him forever infamous? The fact that the President has nominated, since the acquittal, so many of those engaged with Woolley to prominent offices, attests his grateful appreciation of their labors and recognition of their services—Mr. Stanbery and Mr. Evarts as Attorney Generals; H. A. Smythe as minister to Austria; Lacey as collector of internal revenue at New Orleans, and Perry Fuller as Commissioner of Internal Revenue. Indeed, one reason why your committee have thus reported in part, at as early a day as possible, while the investigation is unfinished, is lest their report should become the index of the executive business of the Senate, in nominations before them.

All which is respectfully submitted. For the committee :

BENJ. F. BUTLER.

* Four hours before vote was taken.

ENCOURAGEMENT OF EMIGRATION.

JULY 3, 1868.—Ordered to be printed.

Mr. CULLOM, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany bill H. R. No. 1355.]

The Committee on Foreign Affairs, to whom were referred House bills Nos. 1139 and 1145, have considered the same, and submit the following report:

The bills referred to propose to establish agencies in several foreign states for the promotion of emigration from such states to the United States; the duties devolving upon the persons to be appointed to fill such positions being the dissemination of such practical information among the people of the governments where such agencies might be established relative to the advantages of this country as would induce persons of capital, skill, or industry, especially, to come to the United States.

The committee find no authority, either in the public law or in any treaty between the United States and any of the foreign powers, for the establishment of such agencies abroad, and the right of official residence of such persons as might be appointed to such agencies could not be claimed by our government.

The committee, therefore, are of the opinion that the establishment of such agencies might lead to unprofitable and unfriendly controversies with foreign governments, and result in a failure to accomplish the object sought to be attained by the bills.

The importance of foreign emigration to this country, especially those of skill, capital, or industry, cannot well be overestimated.

Our nation owes much of its importance in wealth and power among the nations of the earth to the people of foreign birth who have come to our shores since the foundation of the government.

Since 1790, and up to the first of January last, the emigration to this country has amounted to 6,701,481 persons.

The number of emigrants arriving in this country during the year 1867 was about 300,000, of whom 251,753 arrived at New York, 10,207 at Boston, 9,387 at Baltimore, 5,001 at San Francisco, 3,764 at Portland, and the remainder at other ports.

During the last six months prior to 1st January, 1868, 137,000 arrived in this country.

The principal ports from which these emigrants departed were Liverpool, Bremen, Hamburg, Glasgow, London, and Havre.

The nationalities of these people who came to this country during the last year were as follows: about 125,000 were from Great Britain and Ireland, principally from Ireland, 124,806 were from Germany, 5,236 from France, 3,938 from China and Japan, and the remainder from other portions of the world.

Of the total emigration to the United States during the last year nearly nine-tenths were under forty years of age; their avowed avocations were as follows: 30,120 were farmers, 60,490 were laborers, 24,752 were mechanics, 13,947 were

merchants, 8,458 were miners, and the occupations of the remainder were not given. These facts, which are furnished by the Bureau of Statistics, and are regarded as reliable, show that the United States, without any special effort on its part to induce people to come to our shores, is annually receiving its hundreds of thousands of farmers, mechanics, merchants, miners, and laborers, who settle among us and take upon themselves their share of the burdens of the country, and share alike the blessings of a free government.

The rapid growth and prosperity of the country greatly depend upon foreign emigration.

As the hundreds of thousands of people, with brave hearts and stout hands, land at our shores every year, and go among our people, inspired as they are with an ambition to acquire new homes in free America, they impart new life and energy and vigor in all the business pursuits of the country, and wealth and prosperity are the result.

The people of this country are now burdened with a heavy debt, the result of the great war through which we have recently passed. We cannot pay it at once if we would; it is not the part of discretion to undertake to do so; time is required; the people want time. They are just rising from the fatigue and exhaustion of the struggle in which they have been engaged. They are ill prepared to bear the heavy burdens which rest upon them; what is needed now is to bolster up, to encourage industry, to promote all the means of accumulating property, consistent with fairness and integrity. Work, labor, energy, are what are most needed to lift the nation out of its present embarrassing condition. The nation wants people; working, enterprising people; people with capital, people with skill in business; people who will go into the vast regions of unoccupied country and till the soil; people who will develop our rich and inexhaustible mines.

The total quantity of land in the States and Territories of the United States, including the Territory of Alaska, as furnished by the Commissioner of Public Lands, amounts to 1,834,998,400 acres, of which there were sold since the beginning of operations up to the 30th June, 1867, the close of the last fiscal year, $154,622,128\frac{46}{100}$ acres; lands disposed of by grants and otherwise, but not sold, $265,808,696\frac{58}{100}$ acres; making in the aggregate disposed of by the government $420,430,825\frac{4}{100}$ acres, and leaving a balance undisposed of of $1,414,567,574\frac{96}{100}$ acres.

According to the calculations of the Commissioner, out of the $154,622,128\frac{46}{100}$ acres sold up to the 30th of June, 1867, about 124,000,000 acres, or four-fifths, has been reduced to occupancy as farms, leaving the one-fourth of the land sold, together with the vast and almost boundless regions of rich and valuable lands not sold, lying in a state of non-production, waiting to be used for the promotion of the wealth and happiness of the people.

We say our unsold domain is almost boundless. So it is. Its acres can scarcely be numbered. And while such is the fact in relation to the lands still owned by the government, the capacity of the soil of a great portion of the lands nominally under cultivation is scarcely begun to be tested, and will not be until this country numbers its millions of freemen where it now can boast of but thousands. Our bread and meat to-day, as also other articles of food for man and beast, in our own large cities, command about the same prices, according to the reports of Liverpool and New York papers, as do the same articles in Great Britain and France.

While there are good reasons why we cannot clothe our people as cheaply as it is done in Europe, yet there should not be any good reason why our people cannot be fed much cheaper.

We have the land stretching from sea to sea; we have the lakes, rivers, and railroads, with a soil sufficient in amount and capacity properly cultivated to feed the people of both continents. The State of California, with an area about

as large as Spain, has a population of 500,000, while Spain has a population of 14,000,000, yet the State of California is probably as productive and capable of sustaining as many people as Spain. The State of Illinois, with a population of 2,500,000, can easily support within its borders 10,000,000 of people. And what is said of the capacity of California and Illinois may truthfully be said of many of the other States and Territories of the Union.

We want people to fill up these States and Territories; we want the land cultivated, that plenty and wealth may abound; we want the resources of these agricultural States developed. We desire by the legislation which we propose in relation to emigration, to let the toiling and almost starving millions of foreign lands know, that in America there are free homes, where every citizen, be he native or naturalized, is guaranteed protection in his right to life, liberty, and property, according to the great principle of the declaration of independence. And while it is specially necessary, in view of the public burdens now resting upon the people, that as a nation we should encourage every honorable means which may tend to give relief, it is also an apt and desirable moment to adopt national measures for the encouragement of emigration, in view of the revolution in the sentiments of the people of all the nations upon all the great questions of human rights.

While slavery has passed away from our own land, like a shadow of night before the rising sun, the people of other nations are alive to the principles of reform and progress. As the United States by legislative act declares the great doctrine of the right of expatriation as an inherent right belonging to the people, and proclaims that naturalized citizens while in foreign states, as well as here, shall be entitled to and receive from this government the same protection in person and property that is accorded to native-born citizens of the United States, the North German Confederation recognizes the doctrine as correct and irresistible, and by treaty with the United States plants herself upon the same great principle. Other nations will follow; and the time is near at hand when the feudal doctrine so long insisted upon by other nations in Europe, viz., "once a subject always a subject," will be counted among the "dead things" of the past, which fell before the onward march of liberty and justice.

The mineral resources of this country are inexhaustible, and should be known to the people of other portions of the world. The extent and variety of the minerals of this country are greater than exist anywhere else. Nowhere can be found such quantities of iron and coal as here. Mountains of iron may be seen beside the rivers, lakes, and railroads, in the north, east, centre, and western portions of the republic, and the vast and stretching plains in the valley between the Alleghanies in the east and the rocky ranges in the west are underlain with coal, waiting to be used by the industry and skill of man. In California, Nevada, Montana, Colorado, and Wyoming, gold and silver and other precious metals abound, and need only to be developed and brought into use to add vast riches to the wealth of the country.

The cry of the east is that we cannot build ships because iron and other materials which are required in their construction are so costly in this country, and to-day the vessels which plough the seas, freighted with the productions of this and other lands, are chiefly built in foreign nations and sail under foreign flags. We are richer in raw material than any other nation in the world; we want people to develop and work up the material.

New York, the great metropolis of the western hemisphere, is but 10 days' sail from Liverpool. Modern science, as applied to the management of steam vessels, railroads, and to the construction of telegraph cables, has brought all the nations as it were into one great society of people; the ends of the earth have been linked together, distance is annihilated, and by the use of the telegraph the human family are rapidly coming within speaking distance of each other.

In harmony, then, with the spirit of the age, having in view the growth, pros-

perity, greatness, and power of our own land, as also the general good of mankind, let us throw open wide the doors of this republic, and invite the oppressed, the earnest and honest people of all the nations, to come.

The committee have deemed it best to report a bill for the consideration of the House, imposing the duty of disseminating such practical information relative to the advantages of the United States and Territories over other countries as may be deemed proper, upon the consuls of the United States in foreign countries, especially those who reside in the kingdom of Great Britain and Ireland, the North German Confederation, the empire of Austria, and the kingdom of Sweden and Norway. The committee are of opinion that such duties may be imposed upon the United States consuls who by the public law are entitled to official residence abroad, with perhaps about as much assurance of success in accomplishing the desired object, as by the establishment of special agencies, as contemplated in the bills referred to the committee.

Whatever may be done in relation to the dissemination of information among the people of foreign states, either by consuls or agents, as designed by either of the bills, must be by the permission of the local authority, and it is believed by the committee that foreign governments are less likely to object to the action of an officially accredited consul, in his efforts to disseminate information in relation to the several States and Territories of this country, than they would be to the presence and action of special agents sent there for that purpose alone.

The bill provides that the consuls shall give such information relative to the several States and Territories as shall tend to induce persons of capital, industry, or skill, to emigrate to this country; that such consuls shall furnish all such persons information as to cost of travel to and in the United States and Territories, the most advantageous routes of travel thereto, the character of the soil and productions, the rates of wages in the different parts of the United States, the provisions and requirements of the homestead laws of the United States, and generally such information as may serve to encourage, direct, and protect emigration to the United States.

The bill provides that any State or Territory shall be allowed to furnish such consuls, through the Secretary of State, for distribution, any books, pamphlets, or other documents that any State or Territory may desire, for the encouragement of emigration; that the consuls may, under the direction of the Secretary of State, make such agreements with any lines of railroads or steam vessels as will reduce the cost of emigration to this country, not incurring any liability upon the United States.

That the consuls shall exhibit such maps, books, or other documents in relation to any portion of the United States, with such specimens of the agricultural, mineral, and manufactured productions of the different States and Territories as may be sent them for that purpose, and for the services required of them pursuant to the act, if the bill becomes a law, they are to be allowed a compensation not exceeding ten per centum of the amount of salary now allowed them by law, with such reasonable contingent expenses as may be necessary for the discharge of their duties, their accounts to be subject to the approval of the Secretary of State, to whom they shall annually report their proceedings under the act, which reports shall be submitted to Congress within six weeks after the regular meeting of Congress in December of each year.

The bill further provides for an appropriation of \$10,000, out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of the act.

Can there be any doubt about the propriety of passing such an act? The committee think not. In the judgment of the committee, every consideration of public interest and duty requires the passage of the bill. Let the people of other nations know the advantages of this land, and let them come and unite their fortunes with ours in making this republic the freest and most powerful empire of the world.

TREATY WITH CHOCTAW INDIANS.

[To accompany H. R. 1195.]

JULY 6, 1868.—Ordered to be printed.

Mr. WINDOM, from the Committee on Indian Affairs, made the following

R E P O R T.

The Committee on Indian Affairs, to whom was referred the bill to carry into effect certain treaty stipulations with the Choctaw Indians, having carefully investigated the same, report :

That the claim of said Indians originated in the treaty of September 27, 1830, whereby they ceded to the United States their lands in the State of Mississippi, amounting to over 10,000,000 acres. The Choctaws persistently claimed that by the understanding at the time, the fair construction of that treaty, they were entitled to receive the proceeds of the sale of said lands, and on the 22d day of June, A. D. 1855, a treaty was concluded between them and the United States, whereby it was stipulated and agreed as follows :

The government of the United States not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States :

“1. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty ; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected.” Or,

“2. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States, and if so, how much.”

Pursuant to this treaty stipulation, the Senate, on the 9th of March, 1859, made their award in the form of a resolution in the following words, namely : (Senate journal, second session, Thirty-fifth Congress, 1858-59, page 493.)

“Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians provides that the following questions be submitted for decision to the Senate of the United States :

“1. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sales of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty ; and if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

“2. Whether the Choctaws shall be allowed a gross sum, in further and full satisfaction of all their claims, national and individual, against the United States, and if so, how much.

“Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale and all proper expenditures and payments under said treaty ; excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of \$1 25 per acre ; and further, that they also be allowed twelve and a half cents per acre for the residue of said lands.

"Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above prescribed principles of settlement, and report the same to Congress." (See Reports Senate, No. 374, second session, Thirty-fifth Congress, 1858-59.)

The account stated by the Secretary of the Interior under this order exhibits the following facts, viz :

That the Choctaws had ceded by the treaty of September 27, 1830, (acres).....	10, 423, 139.69
Secured to the Choctaws for reservations.....	334, 101.02
Actually sold by the United States (acres,)....	5, 912, 664.63
Granted away by Congress to the State of Mississippi as swamp lands and for railroads and schools, (acres).....	2, 292, 766.00
Remaining undisposed of.....	1, 883, 608.04
	10, 423, 139.68

The Senate having awarded to the Choctaws the *proceeds* of the sale of such lands as had been sold by the United States, on the 1st day of January, 1859, the Secretary of the Interior reported the proceeds of said lands to be..... \$7, 556, 578 05

And the Senate having awarded to the Choctaws 12½ cents per acre for the residue of said lands, the Secretary reported the residue to be 4,176,374.04 acres, and allowed therefor at 12½ cents per acre..... 522, 046 75

Making total amount to the credit of the Choctaw nation..... 8, 078, 614 80

The Senate having directed the deduction of "*the costs of survey and sale*, and all proper expenditures and payments under said treaty," the Secretary of the Interior charged the expenses of survey and sale at 10 cents per acre upon the whole amount of the land ceded (10,423,139.69 acres,) making 1, 042, 313 96

And all other payments and expenditures under the treaty... 4, 055, 053 54

Total amount of charges..... 5, 097, 367 50

This sum deducted from the \$8,078,614 80, left due the Choctaws the sum of..... 2, 981, 247 30

The Senate, on revising this statement of the Secretary of the Interior, made a further deduction of five per cent. on the net proceeds of the actual sales of said lands (5,912,664.13 acres) which the United States had paid to Mississippi, amounting to \$362,100 70, and also decided that so much of the account as is composed of 12½ cents per acre, or lands which had been given to the State of Mississippi, under the swamp land act, and for railroads and schools, amounting to \$286,595 75, should be deducted, amounting in all to \$648,696 45, leaving the balance due to the Choctaws, under the final award of the Senate, \$2,332,550 85.

It is difficult to see why, under the treaty, the Indians should have been charged with the 10 cents per acre on the unsold lands, amounting to \$451,047 50, or with the money and lands *given away* by Congress to the State of Mississippi, amounting, as shown above, to \$286,595 75, and to 2,292,766 acres of land; but as, by the treaty, the award of the Senate was to be *final*, your committee are not disposed to question it. It turns out that the Choctaws not only received nothing from the "unsold lands," but, by the system of charges and deductions adopted by the Senate, they were compelled to *pay on account of such lands* the sum of \$182,186 40. These facts are referred to merely for the purpose of showing that the Senate, when acting in the character of referee, did not show any favor to the Indians. The amount of their final award was arrived

at by making every possible deduction from the gross amount of money received from the sale of said lands, so that the said sum of \$2,332,560 85 thus found to be due, was the net profit the United States had realized in the transaction, a sum which was then in the treasury belonging to said Indians.

Congress, by act of 2d March, 1861, (Statutes-at-Large, volume twelve, page 238,) made an appropriation of \$500,000 on account of this claim, in the following form :

The payment to the Choctaw nation or tribe of Indians, on account of their claim, under the eleventh and twelfth articles of the treaty with said nation or tribe, made the 22d of June, 1855, the sum of \$500,000; \$250,000 of which sum shall be paid in money, and for the residue the Secretary of the Treasury shall cause to be issued to the proper authorities of the nation or tribe, on their requisition, bonds of the United States authorized by law at the present session of Congress: *Provided*, That in the future adjustment of the claim of the Choctaws, under the treaty aforesaid, the sum shall be charged against the said Indians.

Congress, by this act, clearly recognized and affirmed the former award of the Senate.

Deducting this appropriation, there still remains due to said Indians \$1,832,560 85.

By treaty concluded with the Choctaws and Chickasaws on the 28th of April, 1866, it was stipulated and agreed as follows, namely, (Act first session 39th Congress, pages 90 and 95:)

ARTICLE X. The United States reaffirms all obligations arising out of treaty stipulations, or acts of legislation with regard to the Choctaw and Chickasaw nations, entered into prior to the late rebellion and in force at that time, not inconsistent herewith, and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th June, in the year 1866.

ARTICLE XLV. All the rights, privileges, and immunities heretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby declared to be, in full force, so far as they are consistent with the provisions of this treaty.

This debt is based upon monies actually received by the United States, belonging to said Indians, and the most of it has been in the treasury for more than twenty-five years. It would seem that even a slight measure of justice would require that, after having used this money for twenty-five years, we should repay at least the principal sum so received. The claim has received the sanction of two treaties—of the award of the Senate when acting as referee—and has been ratified and affirmed by an act of Congress. It has also been twice reported favorably by the committee on appropriations of this house.

In conclusion, your committee recommend the passage of the accompanying bill, and beg leave to quote a portion of the memorial of Governor Pitchlynn, Choctaw delegate.

This is no longer a claim—it is a debt, ascertained and settled, due under treaty stipulations; a debt of a peculiar and sacred obligation. These moneys are trust moneys. Will you pay other creditors with our moneys, because we are Indians and the world will not hear our complaint of injustice? Your own Senate was made the arbitrator. It found the evidences of our claim on your own records. The account has been taken by your own officers. Every possible charge against us, to which ingenuity could impart a color of justice, has been allowed. *The matter is in judgment.* Surely we may be heard to implore you to do our people justice. And shall we ask the government of this great nation to pay the moneys due our people, and shall we ask in vain?

And shall we again return home to our country and tell our people that we have done all that man can do, and all was done in vain?

May the Great Spirit open your hearts, for we once more appeal for justice.

DENT, VANTINE & CO.

[To accompany bill H. R. No. 1374.]

JULY 8, 1868.—Ordered to be printed.

Mr. WINDOM, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the petition of Dent, Vantine & Co., to be paid for supplies furnished Indians in the State of California, report:

That the amount of the account which the petitioners claim is due to them, \$49,763 44, exclusive of interest, which they also claim they should be allowed and paid at the rate of ten per cent. per annum, from the time such moneys became due, and that such account is composed of the following items, to wit:

205,994 pounds of beef, at 20 cents	\$41, 198 80
47,279 pounds of flour, at 16 cents per pound	7, 564 64
Money paid by them to Adam Johnson for a license to trade with the Indians	1, 000 00
Total amount.....	<u>49, 763 44</u>

Interest from the 1st of December, 1852, until paid.

This claim has been repeatedly pressed upon the attention of Congress, and on the 3d of March, 1855, Mr. Orr, from the Committee on Indian Affairs, made a report on the subject, in which it is said, among other things, "that it is alleged that the beef and flour were furnished upon the separate order of Agent Wozencraft and Sub-Agent Adam Johnson." It was further reported "that monthly accounts are rendered, and Agent Wozencraft certifies that they are correct, and were for the United States." This certificate is the only evidence furnished your committee to establish the delivery of beef and flour in California. Your committee further state that, since the making of such report, testimony has been taken before a commissioner of the United States, which is now before your committee, and which, in their opinion, satisfactorily establishes the delivery of large amounts of beef and flour by the petitioners to the Indians in the middle district of the State of California, upon the orders of and direction of Indian Agent Wozencraft and Sub-Agent Adam Johnson, in the years 1851 and 1852. Wozencraft and Johnson seemed to have acted in this matter without expressed authority, but, your committee believe, in good faith. Messrs. Gwin and Weller, senators, and Latham and McDougal, representatives, while occupying seats in Congress, bore evidence that in the spring of 1851 "the Indians were at war with the whites;" "that the first measures adopted by the commissioners (of whom Wozencraft was one) was to furnish the Indians with food and to stop the war;" and they say "that peace has been uninterrupted since the period in question, when they (the Indians) were furnished with food."

On the 15th of October, 1850, A. S. Loughry, acting commissioner of Indian

affair, writes to Wozencraft and others, "to make such treaties and compacts with the Indians as may seem just and proper, to determine upon some rule of action which will be most efficient in attaining the desired object, which is, by all possible means, to conciliate the good feelings of the Indians, and to get them to ratify those feelings by entering into written treaties," &c., &c. (Senate Doc. 4, 1853, page 9.)

On the 28th of May, 1851, Wozencraft negotiated a treaty with the Indians, by the fifth article of which it was stipulated that, "within the term of two years from the date of the treaties," the United States should furnish the Indians 400 head of beef cattle, to average 500 pounds, 200 sacks of flour, of 100 pounds each, and 200 head of goats. This treaty was rejected at the extra session of the Senate in 1853; but the beef and flour for which the petitioners claim compensation had been delivered prior to this rejection, and upon the express orders and directions of Wozencraft and Johnson.

There not being express authority, on the part of Wozencraft and Johnson, to bind the government by their contracts, the claim of the petitioners must be subjected to the rule which the government adopts in like cases, and its payment must depend upon the facts that the contract inured to the benefit of the government, and the circumstances surrounding it were such as would authorize the reasonable inference that Congress would, if possessed of the facts, have given the necessary authority. Your committee are of opinion that the evidence in this case brings it within the rule, and that, upon equitable grounds arising out of the circumstances of the transaction, the petitioners are entitled to a fair and reasonable compensation for the provisions furnished.

Your committee believe that there is no legal or equitable claim for the repayment of the said sum of \$1,000 paid by the claimants to Adam Johnson for a license to trade with the Indians, and they have therefore rejected the same.

It has been satisfactorily proved to the minds of the committee that the said claimants furnished to said Indians beef and flour as charged, to the amount of \$25,327 30, for which said amount the committee have reported the accompanying bill and recommend its passage.

McGRORTY vs. HOOPER.

JULY 9, 1868.—Laid on the table and ordered to be printed.

Mr. CHANLER, from the Committee of Elections, submitted the following

REPORT.

Report of the Committee of Elections upon the contested election case of McGrorty vs. Hooper, sitting delegate from the Territory of Utah, referred to the Committee of Elections first session 40th Congress, 1868.

To the House of Representatives :

Your committee, to whom the above case was referred, respectfully report that from the testimony presented to them by the respective parties claiming seats in this house for the 40th Congress as delegates from the Territory of Utah, they have come to the conclusion set forth in the accompanying resolutions. A brief statement of the facts presented and the argument thereon, and the reasons which impressed your committee as worthy of the knowledge of the House, are herewith respectfully presented in the report and appendix. William McGrorty, contestant, in his brief sets forth the following, as in schedule marked A.

A.

WILLIAM McGRORTY }
vs. }
WILLIAM H. HOOPER. }

To the honorable the Chairman of the Committee of Elections :

The contestant presents his claim to the seat of the sitting delegate from the Territory of Utah, and in doing so asks the serious consideration of the committee to the questions involved, believing as he does that many of them are of the highest national importance.

On the 10th of January, 1867, the following act, passed by the legislative assembly of the Territory, became a law by receiving the approval of the governor :

“AN ACT to provide for the election of a delegate to the House of Representatives of the United States.

“SECTION 1. *Be it enacted by the governor and legislative assembly of the Territory of Utah,* That an election shall be held on the first Monday of February, 1867, at the usual places of holding elections in the several counties of the Territory, for the election of a delegate to the House of Representatives of the 40th Congress. The election shall be held, conducted, and returns thereof made, agreeable to an ‘Act regulating elections,’ approved January 3, 1853. The delegate for the 41st Congress shall be elected at the general election, on the first Monday of August, 1868, and biennially thereafter.

“SEC. 2. This act shall be in force from and after the passage thereof.

“Approved January 10, 1867.”

In conformity with the foregoing enactment, an election was held in the various counties on the 4th day of February, 1867.

The following is an abstract of the returns of said election, prepared by the secretary of the Territory :

Abstract of the election held in the Territory of Utah, on the 4th day of February, A. D. 1867, for a delegate to the Congress of the United States.

Counties.	From whom returns received.	Number of votes and for whom cast.		
		Wm. H. Hooper.	Wm. McGorly.	Negro Sy.
Kane	A. L. Siler, deputy county clerk	183	.....	.....
Washington	No returns .....	.....	.....	.....
Iron	S. S. Smith, county clerk	221	.....	.....
Beaver	William Frothingham, county clerk	339	.....	.....
Piute	No returns .....	.....	.....	.....
Millard	John Kelly, county clerk	879	.....	.....
Sevier	No returns .....	.....	.....	.....
Juab	Samuel Pitchforth, county clerk	244	.....	.....
San Pete	F. C. Robinson, county clerk	1,405	.....	.....
Utah	L. John Nuttall, county clerk	2,993	.....	.....
Wasatch	J. McNaughton, county clerk	264	.....	.....
Great Salt Lake	E. W. East, county clerk	2,186	41	6
Davis	Arthur Stayner, county clerk	802	.....	.....
Weber	Walter Thompson, county clerk	539	.....	.....
Box Elder	J. C. Wright, county clerk	337	.....	.....
Tooele	R. Warburton, county clerk	275	64	.....
Summit	R. O. Allred, county clerk	423	.....	.....
Morgan	T. R. S. Welch, county clerk	565	.....	.....
Cache	H. K. Cranney, county clerk	3,413	.....	.....
Richland	No returns .....	.....	.....	.....
Green River	No returns .....	.....	.....	.....
		15,068	105	6

On the 23d of February, 1867, the contestant deposited in the office of Wells, Fargo & Co., at Great Salt Lake City, a notice directed to the Hon. William H. Hooper, and a similar notice to the Clerk of the House of Representatives, notifying them that he should contest the seat of said Hooper, which notices were received in this city, and delivered to the parties to whom they were addressed, some time in the month of March following.

The reasons why the grounds were not stated in the notice are fully set forth in the affidavit of contestant, made on the 18th of January, 1868, which has been placed before the committee, with the other papers in the case; and it is confidently submitted that those reasons are sufficient to excuse him from a literal compliance with the law. It is there shown that it would have been impossible to contest the election in the usual manner because of the hostility of the Mormon leaders, endangering the lives of himself and friends, and the destruction of the ballots and lists of voters, at the time when the notice was sent to Mr. Hooper.

Independent of the facts contained in said affidavit, contestant claims to have made a complete case, showing a paramount right to the seat, and that the sitting delegate should be rejected, upon grounds which could not have been obviated by any proceeding in the Territory. He therefore respectfully asks for a hearing before the committee, even should the reasons contained in said affidavit be deemed insufficient.

On the 20th of January, 1868, contestant caused to be served on said Hooper a copy of the affidavit referred to, and a notice containing the grounds upon which contestant relies.

They are seven in number, but may be reduced to five, as follows:

1. That the sitting delegate represents a community separated from and hostile to the other portions of the people of the United States, and organized and acting in disregard and violation of the laws of the United States, under an anti-republican form of government.

2. That he is the representative of the institution of polygamy.

3. That his secret oath, taken in the Mormon church, disqualifies him from sitting as a delegate in the Congress of the United States.

4. Contestant claims to represent the law-abiding people of the Territory, and to have

received the only votes cast at the election of February 4, 1867, which can be recognized by the committee.

5. Under the head of the illegality of the election of the sitting member, contestant specifies—

1. That there were about eight times as many votes cast for the sitting delegate as there were legal voters in the Territory.

2. The mode of voting was by proxy, a method unauthorized by law and unknown to our institutions.

3. The election was under the control of a secret organization, sworn to hostility to the American people, thus directly endangering the personal safety of those who voted for contestant.

4. The illegality and insufficiency of the returns made to the secretary of the Territory.

5. That the election in Summit county was continued for two days, contrary to law.

6. That ballots were cast by proxy for aliens and minors indiscriminately.

7. That votes were cast in favor of the sitting delegate in behalf of large numbers of persons who never appeared at the polls.

William H. Hooper, sitting delegate, in reply sets forth the following, as in schedule marked B :

A STATEMENT OF THE POSITIONS RELIED UPON BY THE SITTING DELEGATE, WILLIAM H. HOOPER.

The sitting delegate, William H. Hooper, objects to the course of proceedings in this case, because it does not conform to the law in any respect, nor to any established precedents.

2. No reason whatever is shown why contestant has not complied with the law regulating contested elections. His own affidavit, filed and sworn to more than eleven months after the election was held, is wholly unsupported by that of a single other person whose statement has been taken, and is pointedly contradicted by the statements of men of character and position, residents of said Territory, and not members of the Mormon church, to wit: the affidavits of F. H. Head, superintendent of Indian affairs, Utah Territory; Amos Reed, late secretary and acting governor; S. P. McCurdy, late associate and now chief justice of Utah; Frank Fuller, late acting governor of Utah; and also to the statements of forty-one citizens, not Mormons, who are the leading merchants, bankers, and business men of Salt Lake City; all of whom state that contestant could, at any time since the election held on the 7th February, 1867, have proceeded with this case in the manner prescribed by law, with entire and perfect safety to himself, without the least possible danger of personal violence; and who state further that the fullest freedom and expression of opinion is indulged in and tolerated in said Territory, and that McGrorty himself publicly announced it often and repeatedly upon the streets in Salt Lake City, prior to his leaving said Territory; that he was contesting the seat of the sitting delegate; was in no manner molested on account of said announcement; and yet, in the face of all these facts, he took no steps towards preparing his notice of contest even, either before the regular session of March, 1867, nor in July following, nor yet again before the beginning of the December term of the same year, but waited until the 18th day of January, near a whole year after the election, and when near half the term of the fortieth Congress had expired. Under these circumstances the sitting delegate insists that there is neither a shadow of law nor of fact under which the contestant can ask the Committee of Elections or the House to act in this case. The law regulating contested elections requires notice of contest to be filed within thirty days after the result of the election has been ascertained officially. (See Statutes at Large, vol. ix.) The sitting delegate ventures to assert that this is the first time in history that a contestant has asserted that the laws of Congress regulating the rights of persons claiming seats in its body do not apply to Territories.

3. The *ex parte* affidavits cannot be used as evidence to try this case on its merits; no law or precedent would authorize this, and these of themselves show no reason why contestant should be allowed an order of the House to be permitted to take testimony under the law. Such being the case, the contestant has no right to be heard upon the merits of the case, and the House no right under any law or precedent to act upon contestant's claim as it now comes before it.

4. The sitting delegate specifically objects to the notice of contest as not legal, not being filed under any law or precedent, (near twelve months after said election.) The law not having been complied with, the sitting delegate was not bound to answer. An answer would have been a waiver of his rights to have this case tried in the usual manner prescribed by law and established by precedent.

5. For the same reason he objects to the use of the depositions of Smith and Williamson. He did not appear to cross-examine, because an appearance would have been a recognition of the illegal proceeding, which would have committed him to a defence before the committee. The notice itself of contest being illegal, all proceedings under it fall.

6. These two witnesses do not agree in their statements, and prove nothing against the sitting delegate, who denies that he has ever at any time taken any oath which could in any manner interfere with his duties as a loyal and law-abiding citizen of the United States

and he further states, that to the best of his knowledge and belief there is no oath taken or required to be taken by the people known as Mormons, under any rule of their church, inconsistent with their duties as loyal and law-abiding citizens of the United States.

7. On contestant's printed affidavits, all that he has filed, as well as on the statements of Smith and Mrs. Williamson, he makes no case for himself, and none against the sitting delegate. By these *ex parte* statements, taken before he had even filed his notice of contest, he only shows what he has alleged as irregularities in two voting precincts; and should the vote of the two whole counties in which the precincts are located be rejected, the sitting delegate has over (12,000) twelve thousand majority; McGrorty but (64) sixty-four votes—these being the only two counties to which *ex parte* statements have been taken as to irregularities, and the evidence is not sufficient as to these.

8. The returns of the election, as shown by the papers filed by contestant, are made in strict conformity to the laws of the Territory. (See Territorial Laws of Utah, pages 88, 90, 206, 92, and 26.)

9. All the alleged occurrences of outrages, cited by contestant in his argument, occurred there, by his own showing, from eight to fifteen years ago. Even if true, which is not admitted as charged by the contestant, they fall far below the number and degree of outrages which occur in all newly settled Territories, and are not worse either in acts or words than are of constant and almost daily occurrence in the oldest and most thickly peopled States of the Union, can have no kind of relation to this contest, and the sitting delegate denies their competency as testimony herein, not bearing on him or this case in any manner whatever.

10. Restating his objection to the whole proceeding because contestant has in no manner complied with the law, and has shown no reason for not complying with the same, and not waiving any right he has by reason of this failure, the sitting delegate insists that contestant has made no show of claim for himself and no case whatever against the sitting delegate. He states further that if it be the object of the contestant, McGrorty, and his friends, as would appear from the opening sentence in the printed argument of the counsel, Mr. C. B. Wait, "to induce the people through their national legislature to take hold of the complicated political problem arising out of the settlement of Utah Territory, and solve it upon principles of justice, of moderation, and of sound statesmanship," the sitting delegate has no sort of objection to their doing so in the proper manner, and here challenges the fullest and fairest examination by Congress in a legitimate manner into all that pertains to said Territory and its people, and he here pledges himself, and the people of said Territory of Utah, to give every facility that may be needed to throw light upon all that may be desired to be examined into, to the end that the whole status of said Territory and its people and their relation to the government of the United States may be fully understood.

11. As to the indirect personal allusions made by contestant's counsel in his printed brief, which he has furnished the committee and circulated among the members of the House, wherein, by insinuation, he seeks to implicate the sitting delegate in crimes, the sitting delegate has no hesitancy in denouncing such as untrue in every particular, and there is not a particle of justification for such insinuations, even upon the *ex parte* statements upon which alone contestant rests his case. He does not deem it his duty, nor this the time or place, to notice them further. Neither does he here notice the great mass of matter, which counsel has brought out in his printed brief, reflecting upon the people of Utah, and charging disloyalty upon them, and hostility to the United States, for the reasons heretofore assigned, "contestant in no manner having complied with the law, and having shown no reason for not complying therewith." To have entered into a refutation of these calumnies, which can be done by the same authorities from which contestant has selected his extracts, would have been an acknowledgment of the right of contestant to have had the committee to act upon and decide this case upon the mere *ex parte* statements of contestant, his counsel, and his friends, thereby disregarding every principle of law, as well as the rules and statutes regulating the production of testimony.

The whole course of said people of Utah challenges history for a parallel in devotion to that government of which they form a part. Persecuted and driven from their homes more than 20 years ago, while stripped of almost everything necessary to life, and houseless and homeless on the west bank of the Missouri, they promptly answered the call of the United States then engaged in a foreign war; furnished all the men asked for soldiers; penniless they took up their line of march, and westward moved with their families, their wives and their little ones, over barren plains, through hostile bands of savages; 1,200 miles from civilization, after having endured untold hardships, they came to a halt, in what was then a desert. This desert, in this short space of time, they have filled with more than 100,000 people, and by their industry and frugality have made it a prosperous land, enabling them thus to add greatly to the rapid settlement and development of the country surrounding them. The very first step taken by the expelled exiles after once being settled in their new homes was to seek to connect themselves again to the federal Union, and to ask a government guaranteed by its laws; and although they have been constantly abused, and almost continually denounced, even by many who have held high places, they have never ceased to seek and cultivate more intimate relations with the government and people of the United States, and no people look forward with more eagerness and earnest delight to the comple-

tion of that great work which is soon to bring them and their once isolated country, in reality, almost to the very doors of the nation's capital.

In review of the grounds on which contestant relies, your committee deemed it their duty to present to this house their opinion of the charges set forth therein by the contestant, to wit:

That the sitting delegate represents a community separated from, and hostile to, the other portions of the people of the United States, and organized and acting in disregard and violation of the laws of the United States, and under an anti-republican form of government.

2d. That he [the sitting delegate] is the representative of the institution of polygamy.

3d. That his secret oath, taken in the Mormon church, disqualifies him from sitting as a delegate in the Congress of the United States.

Your committee report that the Territory of Utah is geographically remote, and by natural barriers separated from the other portions of the people of the United States; that any community living in the Territory of Utah would, for many reasons, be liable to the above charge; or might, under the laws regulating society, become separated from their fellow-citizens. Such separation is the reasonable consequence of the law of emigration, and applies with equal force to all the communities in the United States who, by laws peculiar to themselves, or from geographical barriers, are separated from other portions of the people of the United States.

The allegation that the community alluded to by contestant is "hostile to the other portions of the United States, and organized and acting in disregard and violation of the laws of the United States under an anti-republican form of government," is one of very grave importance, and demands the earnest attention and examination of this government. To arrive at a decision as to the truth and justice of this allegation, your committee were necessarily compelled to look for proof over a wider range of facts and statements than is usual in ordinary contested election cases. They had to discuss questions of a social, political, and religious character, presented to them by the contestant as grounds of his charge against this community. The delay which has occurred in this case is owing to the time necessary to collect and collate facts in regard to such novel questions arising in so remote a Territory; and your committee felt it to be their duty to grant to the sitting delegate every opportunity to make out his statement of facts and prepare his reply to the contestant.

Abundant opportunity was therefore given to the sitting delegate to communicate with his constituents before any action, even of a preliminary character, was taken by your committee which might anticipate their decision upon, or work prejudice to the rights of the sitting delegate. The report of your committee has been drawn up after proper and reasonable delay, in a spirit of honest inquiry.

The labors attendant upon this subject were not light, and the conclusions furnished by your committee are the result of research among the established authentic records of the community which the contestant charges with being anti-republican. Your committee have been induced to give a full examination to much collateral information in authentic printed works relating to Utah and her people, referred to or laid before your committee by both parties in this case.

It is reasonable that the following statement, so far as it refers to the character and customs of the Mormons, who form a large majority of the people of Utah, should be prefaced by some explanatory words. All that is here presented by your committee is the result of reading and testimony, oral or written, and not from their own personal knowledge or observation among the Mormons in Utah.

In the opinion of your committee, no fair conclusion can be reached by any such indirect method of examination. Certainly no philosophic inquiry into the nature and tendency of any system can be worth much which is developed from hearsay and the inner consciousness of the inquirer. Had De Tocqueville published his valuable and just criticism upon the institutions of this country

without personal examination of their workings and without a sojourn among us, although his conclusions might have been the same, their weight upon other minds would have been very materially lessened.

A brief summary of what your committee has undertaken will perhaps be acceptable, and remove the necessity of future explanation.

The novelty of the subject presented to it for report gave naturally great interest to the task imposed, of ascertaining—

1. What is Mormonism?
2. The relations of Mormonism to Utah, and the relations of Utah to this government.
3. The duties of this government to Utah and its inhabitants, and the remedies proposed for existing evils in the administration of the laws of Utah.
4. The contested election case of McGrorty against Hooper; with the conclusion arrived at in the mind of your committee.

1. What is Mormonism?

The Mormon doctrine appears to be nothing original or strange, but is a combination of various phases of opinion on religious dogmas; a concentration of the old, obsolete eccentricities of fanaticism, accommodated to the spirit of religious toleration and adapted to the political machinery of this government.

Mormonism is a natural outbreak in the 19th century of two great principles of human thought, action, and belief in all ages. There is nothing new in it, except its success, as illustrated in the Territory of Utah.

1. The yearning after mysticism in every soul seeking a better knowledge of God, the Great Mystery, the Spirit past finding out.

2. The restless longing of the mind for social reform, in a world where all systems are more or less a restraint on hoped-for improvement.

Out of these two principles, Mormonism has brought forth the old dogmas of theocracy and spiritual wifery—the latter Gothic Scandinavian and European; the other, Jewish and Asiatic.

The history of this society develops the fact that New England, New York, and Pennsylvania furnished the men by whom and the hints on which Mormonism is built up.

Smith, the founder, and his family, were from Vermont; Brigham Young, the present head, and his family, are from Massachusetts, where the theocracy of the Puritan was the basis of all social and civil rule. Sidney Rigdon, the first spiritual power in the society, and the translator of the Mormon tablets, was from Pennsylvania, where spiritual wifery is an old and established institution among certain sectarians. The two first of these three men lived and were educated in the State of New York, among a people peculiar for their zealous yearning after excitement and novelty; the spiritualists, gold-hunters, free-lovers, and rappers of western New York. Add to these a learned Jew, professor of Oriental tongues, from one of the colleges of New York, who was for a long time connected intimately with the above-named leaders and founders of Mormonism, and if not a Mormon, certainly as the close and confidential teacher among them, and we have the ingredients of this new society.

The Gothic mysticism of Germany, mingling with the witchcraft and fervor of Puritanism, all filtered through a Hebrew brain and shaped by American shrewdness into material wealth and political power—such is Utah to-day in the hands of the Mormon leaders, as presented by history.

Throwing aside all religious tests and distinctions, and looking only at the political phase of this subject, an answer to the question, What is Mormonism? may best be found in the practice customary among the leaders of the Mormons, viz., of promulgating their laws as “special revelations” from a Supreme Being through their seer or prophet, or as the interpretations of their sacred books by the hierarchy, and allowing the mass of the people of Utah to vote upon questions deemed advisable and right by their leaders. It is a direct appeal to the

superstition and absolute obedience of the masses, and clothes the ruler who controls that superstition with an unlimited power. The dominion of one man or class of men installed by divine revelation, so long as the people under that dominion believe in and support it, is beyond the reach of logic, satire, or reform. The only consistent change is through a new revelation from the same source.

That people of *themselves can never* attempt any reform. Their political organization being divine in its origin, must be for their good. To assail the government is to outrage God. To submit is peace, prosperity and power.

Fervent fanaticism, laborious zeal, pious submission and uncomplaining patience mark the labors of such a people. Heroic deeds, conquest of seeming impossibilities, magic success amid the terrors of defeat, adorn their history. Exclusiveness, secrecy, cruelty and cunning are the common evils of all such organizations.

Morals thrive or not as the last revelation dictates. The whole fabric of domestic as of public life is at the mercy of diurnal revelation or divine revolution. In a word, the human judgment of the individual in such a society is but the instrument for good or bad in the power of the prophet who reveals the divine mandate. He may bless or curse; increase or diminish; lift up or throw down whom he will. His will is law; he is the voice of God.

The success among the American people of the peculiar teachings of the hierarchy of Utah, so inconsistent with our principles of government and social life, is worthy of special attention. It seems reasonable to attribute it to a strong motive and longing common to every race or nationality, and is the embodiment of an inevitable scheme, viz., a national church—an American church with its own peculiar martyrs, saints, prophets, priests, and ritual.

Christianity in all ages has undergone transformations and developments of this kind.

The Greek empire founded the Greek church. The Roman empire founded the Roman church. The English spirit of empire founded the English church for the British empire.

Luther founded a church for the national heart of Germany. Calvin founded a Swiss church suited to the national tastes, prejudices, and opinions of a people whose personal independence is the epitome of their national freedom.

In the constitution framed and uttered by the inhabitants and residents of Windsor, Hartford, and Weathersfield, "cohabiting and dwelling upon the river Connecticut and the lands thereunto adjoining," the formula of a new American hierarchy was hinted at, in 1638, when they "associated and conjoined themselves to be as one state or commonwealth." The bold and free spirits of those English Puritans refused to surrender civil liberty to church supremacy; but the Bible, as they interpreted it, was made the common oracle of state; its interpretations, in matters of state, being left to the chosen representatives of the people exclusively, without binding the popular mind to any superstitious observances or ritual obedience. The church and state, however, of Connecticut were substantially a unit.

Here the idea of an American independent church organization was clearly and boldly announced, and its safety secured by the state which gave it being. This germ of state church naturally would take root in congenial soil, and, on favorable opportunity, grow to be suitable to the demands of its worshippers.

Thus the blue-laws of Connecticut furnish, perhaps, the best instance among many like efforts in our own national history to make divine revelation the moving power in the daily administration of government.

To the development of the principles and practice established in the blue-laws by the descendants of the same and kindred people, in a later day, in a more extended country, among a less educated or less primitive population, may the origin of Mormonism be consistently traced.

The origin of Mormonism, like that of any society of religionists, bears very

little resemblance to its present extended influence. But your committee think they find the cause of the rapid advance, among Americans born and of protestant creed, of the peculiar teachings of the first preachers of this society, in a sympathy with the discovery of an American Bible, relating to the aboriginal races of this continent, by which the dwellers on this hemisphere were brought, as it were, in nearer communion with the God of Mount Sinai, who thus became the dispenser of a new and special moral code, added to the Holy Scriptures, already accepted and interpreted as a divine covenant with this peculiar section of the earth. Both papists and protestants of Europe were induced to immigrate under the consciousness that each party or religious society was God's chosen people. Nearly all races of men have at some period indulged in this longing to be the special care of the Divine Being. In New England, New York, and Pennsylvania, where the founders of Mormonism made their greatest number of converts, these views are the natural result of the teachings of our forefathers; that we are His peculiar care, in contradistinction to the persecutors who drove them abroad from Europe.

The Mormons believe that the New Jerusalem of Holy Scripture is to be on the continent of North America. Having persuaded themselves of this pleasing fact, they proceed to choose a suitable spot for the building of so desirable a citadel, and find it very profitable. All persons wishing to emigrate to America, and ignorant of the condition of our society and laws, would naturally lend a willing ear to so tempting a proposition as that which secures them a home in this world and the next at the same time, at one venture, and under economical leaders to defray the expenses in advance.

Herein seems to be the secret of their proselyting among the ignorant rural population of remote countries. The hierarchy of Utah receive the first benefits of all the success of their church at home and abroad, and dispense them to the people in accordance with the customs of their organization.

But for a full and just view of this subject your committee must refer to the well-established record of the origin and progress of this political society. Appended is a brief summary of the origin and development of the Territory of Utah and its inhabitants. From such records it will be seen that the character of this organization has changed very materially since its origin. There are several marked periods in the course of its development worthy of the notice of the political student:

1. It seemed to be only a religious sentiment in the mind of a few zealous persons at Fayette, New York.

2. It appeared as a financial corporation of land speculators under the direction of a presiding officer called a prophet, as at Kirtland, in Ohio. Bankruptcy overwhelmed this undertaking, and the leaders fled from the sheriff, and did not rely on the divine character of their leader or the devotion of his followers to oppose or avert the course of law.

3. As a successful trading-post at Independence, in the State of Missouri, the organization acquired great wealth and influence. The development of their system to meet the necessities of a rapid increase of population and property is very worthy of observation and reflection. Here, however, too rapid material success aroused the cupidity or envy of persons not included in the enterprise, and many altercations took place between the Mormons and the Gentiles. A severe collision resulted in a treaty between the State and Mormons, which stipulated for the departure of the Mormons from the State of Missouri; when the fourth period of their development took place at Nauvoo, in Illinois, whither they migrated after leaving Missouri. A political influence and material prosperity greater than any previous period was the result; but it proved fatal to their singular and sagacious leader, who was shot in jail by a mob. The people of Illinois had become incensed at the open violation of their laws, and demanded that the Mormons should leave their State. Then came the period fifth, of flight across

the Missouri river on the ice and over the Staked Plains of the desert, to the present Territory of Utah, under the leadership of the present chief of the Mormon organization. The present, or sixth period embraces the relation of the Mormons to the United States as residents of the Territory of Utah, which has been characterized by great energy, perseverance, courage, and success.

The civilization of Europe has through this society been planted in an oasis between two deserts, nearly half-way between the Missouri and the Pacific, among hostile Indians, and in face of great and threatening dangers from man and nature. The wilderness has been reclaimed and made beautiful with varied and rich harvests, and shelter for the emigrant across the plains to California furnished with well-established hospitality. Our troops rely on the industry of the people of Utah for their forage, comforts and luxuries. The missionary from the eastern States is tolerated and safe in the city of Salt Lake. The principles of thrift, enterprise, and good order are recognized and protected.

Among all this great evils exist, great crimes have been committed and have been let go unwhipped of justice. Open violation of the authority of this government has frequently occurred. The sanctity of the ermine has been profaned, the course of justice obstructed. Organized assassination has been frequently perpetrated.

The revelations of the seer have a higher authority than the laws of Congress. The sermons of the Mormon apostles have an edifying effect in Salt Lake City, quite equal in the opinion of their followers to those of certain preachers in the cities of the east, and of more weight than a judicial decision. Intolerance, wrangling, violence, and polygamy have marred the administration of our laws in Utah, and have weakened the authority of the United States. Why?

1. Because the organic law of the Territory does not remedy the evils local and peculiar to Utah, thereby leaving the dominion and control of the Territory and its resources completely in the hands of the hierarchy of the Mormon society.

2. Because the monopoly of wealth and power in the Territory is to a great extent in the hands of the Mormon leaders, excluding competition from the so-called Gentiles, *i. e.*, citizens of the United States not members of the Mormon society; the preference being by custom given to a Mormon whenever competition is likely to injure the Mormon interest.

3. Because the Gentile immigration is through the Territory, and does not remain in force sufficient to influence Utah. The trains going west pass along the same beaten track through the cañons, along the Salt lakes, across the Sierra to California. The temptations of gold mines and silver mines have built up California, Nevada, New Mexico, Montana, Idaho, and Colorado; but the stern fanaticism of the Mormon, or his abiding faith, or his religious zeal, have made him steadfast to agriculture along the shores of his sacred lake. The advantage has, in many respects, been with the Mormon. He has developed a solid and enduring wealth. Agriculture, manufactures, mining, and trade, in fine, industry of every department, thrives among the people, and they are naturally jealous of intrusion and competition on the field of their own enterprise, created by their own labor, at great risk, through many dangers.

4. Polygamy, which prevails in spite of express laws of the United States, in open outrage of every sacred family tie, controlling the social organization of the community, and shaming the sense of propriety so long and well established among all races of Europeans on this continent. No officer of the United States, civil or military, can hope to exert any salutary influence over this society while polygamy is allowed in defiance of his authority and against the law of the government he represents. Polygamy must be abolished in all this Territory, or the power of this government will be held in contempt by every class of inhabitants. Through its influence a social ban is put on all Christian women who remain true to the laws and customs of their country

and the precepts of their faith. Isolated from all other influences than their own peculiar customs and prejudices, the Mormon population are not amenable to the arguments usually applied to enlighten or reform mankind. A revelation from the seer or a strong inducement to migrate seem the only easy remedies. Polygamy is synonymous with bigamy. Bigamy is, under our law, a crime, and polygamy is a monstrous bigamy. Under the Mormon organization it seems to threaten to become incest. The intermarriage of the leading families has made the usual definitions fixing relationship very complex, if not impossible, under the laws of the United States. To the Mormon such definitions of polygamy and its developments are perhaps harsh, but your committee use only the definitions established among and by the people of the United States by common law and common decency. The instances of incest among the Mormons are taken from the printed works on the customs of that society, and your committee refer to them for the reliability of the statement. There seems to your committee, however, abundant proof of the licentious practices under the law regulating marriage in Utah to call for vigorous enforcement of the existing law of Congress on the subject of polygamy. A conflict between monogamy and polygamy has been inaugurated in defiance of our laws by the Mormons themselves.

It is proper, however, here to state that polygamy is an innovation upon the institution of matrimony as first practiced among the Mormons. The precise date of its appearance among them is not positively fixed, but is limited between the date of 1843-4 and 1852-3, according to different interpretations of Mormon revelation. A special revelation preceded and sanctified its introduction some time before it was openly indulged in by the leaders.

And this licentious custom of marriage or reckless abuse of that sacred rite is one of the most glaring and practical proofs of the aggressive and dangerous character of a system which grows at the will or in obedience to the lust of a political ruler styling himself a prophet. Toleration of religious views is a holy duty enforced on Congress by the Constitution, but no law does or can exist which permits toleration of a practice hostile to the safety of society. Such a practice may be introduced by the best and highest human authority, but whether under the name of prophet, priest, or king it matters not, so long as the practice introduced be against established law of the land or fatal to the welfare of the state.

There are other practices under the hierarchy of Utah which militate, in the opinion of your committee, against the principles of good republican government. But the origin of all these existing evils, and the certain source of innumerable future evils in Utah, is in the prophetic power of the head of the society which rules there. The union of church and state, the combined sanctity of the voice of God and the will of the people, arm the chosen ruler of that organization with spiritual and temporal power.

Has that power been hostile to the government of the United States? Your committee believes that it is and has been hostile rather from the inherent spirit of its creation than from any design on the part of that people. New religious societies are naturally zealous and tend to fanaticism.

Fanaticism at first is always aggressive, then becomes exclusive, and then seeks isolation. Such seems to have been exactly the course run by the Mormon society up to its establishing itself in the wilderness of Utah. In seeking to develop the germ of their religion the Mormons naturally ran against existing theories of faith, and imagined themselves persecuted. The character of martyr is the cheapest and best for proselyting among men yet discovered. And a little persistent opposition to established law and custom can always breed persecution. So far, therefore, as it was to the interest of the leaders of Mormonism to oppose this government, to strengthen and enrich themselves and secure the support of new converts, your committee think the organization has been

antagonistic to the United States. But from no malice aforethought have they ever, as far as any proof has come to your committee, organized rebellion or sedition against the supreme authority of this Union, or committed treason by any overt act.

To remedy the evils which now exist in this Territory and to prevent them in the future, has been a matter of serious consideration for many years by this government, and a plan is now before the Committee on Territories in the Senate for radically changing the manner of carrying on the government of Utah.

The duties of your committee do not extend to the subject-matter of reform in the Territory further than to protect the purity of the representative system, and secure to every citizen of the United States the full enjoyment of his liberty at the polls.

Your committee believe that it is the imperative duty of Congress to enforce the laws by every means in the power of this government, to prevent undue influence of the hierarchy of the Mormon society over the people of that Territory.

A strong belief exists in the mind of your committee that to considerable extent such influence has been used in the recent elections for delegate to Congress from Utah, but sufficient proof of its illegality has not come to their knowledge to warrant, in their opinion, any direct interference by immediate action of Congress.

The vote polled, under whatever control it may have been deposited, is, in the opinion of your committee, in default of full and satisfactory evidence to the contrary, to be deemed and accepted as the legal vote of the people of Utah. Their minds may have been under religious or other prejudice, created or increased by the Mormon leaders in favor of one candidate and against the other, but there is no reason to conclude that the free exercise of the ballot by the citizen was unlawfully prevented by force or fraud. No sufficient proof to that effect has, in the opinion of your committee, been presented by the contestant. The committee therefore unanimously agree to present the following resolutions, to wit:

Resolved, That William McGrorty is not entitled to a seat in this house, as a delegate from the Territory of Utah.

Resolved, That William H. Hooper is entitled to a seat in this house, as a delegate from the Territory of Utah.

APPENDIX.

The Territory of Utah, at the time it was first settled by the Mormons in 1846-'7, comprised the tract lying between latitude 37° and 42° , and was bounded on the west by the eastern base of the Sierra Nevada mountains, on the east by the summit of the Rocky mountains, and contained about 188,000 square miles.

The present boundary of Utah is as follows, on Keeler's Map of the Territory of the United States : north, along latitude 42° , by Idaho Territory ; east, by Dakota and Colorado Territories ; south, along 37° latitude, by Arizona ; west, by Nevada.

The Central and Union Pacific railroad route runs through the northern part of this Territory, within about 27 miles of Great Salt Lake City, and is to connect with that city by a side track, running nearly due south and about 27 miles long.

POPULATION.

The difficulty of procuring accurate official information on this head, and the conflicting statements with regard to the exact population of Utah, make it difficult, if not impossible, for your committee to estimate correctly in this matter. The population is variously estimated to be from 42,000 up to 95,000, 25,000 of the 95,000 being in the city of Great Salt Lake. According to another construction of this last statement, there are 95,000 in the Territory and 25,000 in the city. Your committee deem it reasonable to estimate the population at about 100,000 in the whole Territory of Utah, as at present organized.

The census of 1860 shows that at that time the population numbered 40,273. This number has been reduced since that time, by the attaching of various settlements to the adjoining Territories of Nevada and Idaho, at least 10,000, and has been augmented by immigration by somewhat more than the same number, say 12,000. The natural increase of the resident population has been about balanced by the exodus of disaffected Mormons to California and the Atlantic States, and the migration of young unmarried men to the mines of Nevada, Idaho, and Montana.

This gives as the number of the population in the Territory in 1867, not counting transient persons, miners, and others, who remain a few days or weeks and pass on, 42,273. Of these at least 40,000 are Mormons.

In a pamphlet published in Utah city by Thomas D. Brown & Co., mining brokers, Great Salt Lake City, 1865, the Mormon population of Utah is stated to be as follows :

Twenty-five thousand in the city, 95,000 in the Territory. Of the non-Mormon population no estimate or statement is given by the author of the pamphlet. Hon. Mr. Hooper, the sitting delegate, in a letter addressed to your committee, has furnished official tabular statements in regard to the population of Utah, which are, together with his letter, herewith presented to the House.

HISTORY.

In the year 1815, the father of Joseph Smith, jr., founder of Mormonism, moved with his family from Windsor, Vermont, to Palmyra, New York. Joseph, the Mormon, was 10 years old when the family first settled at Palmyra.

About the year 1820, he had a kind of preparatory vision while he was in a retired place engaged in prayer, in which two glorious personages appeared to him, and informed him his sins were forgiven, and that he should have at some future time a revelation "of the true doctrine and fullness of the gospel."

1823, September 22, he had another vision. The next day he had another vision, instructing him to go and get the sacred writings on which the church of the Latter-Day Saints was to be built up.

1827, September 22, he was permitted to get possession of the plates on which the sacred writings were inscribed.

1829, May 15.—John the Baptist, of Christian history, appeared and laid hands on Smith and Oliver Cowdry, ordaining them into the Aaronic priesthood, and commanded them to baptize each other, which they accordingly did.

1830.—The Book of Mormon made its appearance. This is its contents, according to Parley P. Pratt, a Mormon apostle: "The Book of Mormon contains the history of the ancient inhabitants of America, who were a branch of the house of Israel of the tribe of Joseph, of whom the Indians are still a remnant." * * * One of the prophets, whose name was Mormon, saw fit to make an abridgment of their history, their prophecies, and their doctrines, which he engraved on plates, and afterwards being slain, the records fell into the hands of his son Moroni, who deposited them in the earth about the year 420, in a hill called Cumora, in Ontario county, New York State.

1830.—1st June, at Fayette, county of Ontario, State of New York, Joseph Smith first organized his church, consisting of 30 members. In the course of the same year the church was moved to Kirtland, Ohio.

Now began the system of revelations by Smith. All the movements of this church were regulated by revelation from Smith, whether in sacred or secular matters.

1831.—In obedience to a revelation, (June, 1831,) Smith and his apostle, Sidney Rigdon, went from Kirtland to Jackson county, Missouri, and fixed on the spot where Independence now stands as the site of the great Mormon temple, and the gathering-place of the Latter-Day Saints.

1833, July 20.—The people of Missouri held a meeting at which they resolved on the expulsion of the Mormons.

23d July, the Mormons entered into an agreement to leave Jackson county, and in 1833, November 30, they had all crossed the Missouri river into Clay county, Missouri, where they had a temporary refuge from popular violence.

1836, June 29.—A meeting of the citizens of Clay county was held at Liberty, Missouri, which compelled the Mormons to leave that county. They subsequently gathered in Caldwell county, founding the city of the "Far West," and other smaller places. The popular storm, however, drove them from the State of Missouri. Smith, accompanied by a chosen band of 100 young men, secretly armed, had visited Illinois in 1834 for the purpose of selecting a new home for his people.

1838, November 10.—The governor of Missouri ordered the military to act with vigor against the Mormons, and force them to leave Missouri. Smith was arrested and thrown into prison, where he remained until 1839, in the spring.

1839.—The Mormons having settled themselves upon a bend of the Mississippi, in the county of Hancock, in the State of Illinois, where the village of Commerce had been laid out, established the city of Nauvoo.

1841.—A new revelation from Smith appointed Nauvoo one of the stakes of Zion, and ordered a temple to be built.

1842.—At this period, the Mormons were estimated in the United States and Great Britain to number about 150,000, and were on the increase. A formidable band of 4,000 men was armed and equipped, and organized into the Nauvoo legion. These were the palmy days of Mormonism. Polygamy had not yet been revealed, or put in practice.

1843, July 12.—A new revelation enjoined polygamy on the saints, or rather permitted them to indulge in it.

1844, February 15.—Smith became a leading politician, and was duly put forth as a candidate for the presidency by the "Times and Seasons" newspaper at Nauvoo.

1844, May 6.—F. M. Higbee, practicing polygamy, being cut off from the

church of Latter-Day Saints, sued Joseph Smith, senior, before the municipal court of Nauvoo, and in support of the proceedings the prophet and others were sworn as witnesses, disclosing a very corrupt condition of morals at Nauvoo. At this time spiritual wifery was directly charged on some of the elders of the Mormon Church. Great popular indignation followed these disclosures. A collision between Mormonism and the people of Illinois was inevitable.

1844, June 21.—The governor of Illinois proposed to the Smiths that they should surrender themselves as prisoners to the State authorities upon a pledge of safety from personal violence from the mob. This agreement was made, but not fairly kept by the State authorities; for on the 27th of June the prisoners were assailed by an armed mob and murdered, at 6 in the evening, in jail.

1844, August 15.—Brigham Young, president of the Twelve Apostles, issued, with others, an address to pacify the Mormons, and succeeded.

1844, October 7.—Brigham Young was declared successor to Joseph Smith, the prophet, under name of Seer. At this date Nauvoo is reported, by the *Times and Seasons*, to have contained a population of 14,000, nine-tenths of whom were Mormons.

1846, January.—A plan of removal from Nauvoo to the Pacific coast became a fixed idea in the Mormon mind. Young manifested much ability and forecast in his arrangements to remove a population of 15,000 souls to a new home beyond the Rocky mountains.

The pioneer band of the Mormons reached Great Salt Lake valley, the new Mormon Zion, 4,000 strong, July, 1847, and laid the foundation of Great Salt Lake City.

1848.—Nearly all the Mormon inhabitants of Nauvoo and neighborhood reached Great Salt Lake.

1849.—Public works, internal improvements, the perpetual emigrating fund, and the tithing office were established about this time.

The end of the Mexican war recruited the Mormon capital with the members of a battalion of that organization which had marched to Mexico under the United States flag.

Young now began to establish an independent State, called the State of Deseret, under a constitution, with the following boundaries: "Commencing at 33d° north latitude, where it crosses the 108th° longitude, west of Greenwich; thence running south and west to the northern boundary of Mexico; thence west to, and down the main channel of the Gila river, on the northern line of Mexico and on the northern boundary of Lower California to the Pacific ocean; thence along the coast northwesterly to 118° 30' west longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains, to the dividing range of mountains that separates the waters flowing into the Columbia river from the waters running into the Great Basin; thence easterly along the dividing range of mountains that separates said waters flowing into the Columbia river on the north, from the waters flowing into the Great Basin on the south, to the summit of the Wind River chain of mountains; thence southeast (s. e.) and south by the dividing range of mountains that separate the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California to the place of beginning;" as set forth in a map drawn by Charles Preass, and published by order of the United States Senate, 1848.

In 1850 the Territory of Utah was first organized, under an act of Congress, and soon after Brigham Young was appointed governor by the President.

1851.—The legislative assembly was elected under the territorial bill, and held its first session the following fall and winter, and from this period the laws of the United States have been nominally in operation. What the reality is in this respect will appear more fully on further investigation.

1853, January 3.—The following provision regulating elections was passed by the territorial legislature of Utah:

SEC. 5. Each elector shall provide himself with a vote, containing the names of the persons he wishes elected, and the offices he would have them to fill, and present it, neatly folded, to the judge of the election, who shall number and deposit it in the ballot-box. The clerk shall then write the name of the elector opposite it the number of his vote.

SEC. 6. At the close of the election the judge shall seal up the ballot-box and the list of the names of the electors and transmit the same without delay to the county clerk.

By this ingenious contrivance it is known whom each elector votes for, and the dangers of a free exercise of the rights of suffrage by secret ballot averted. It reduces the ballot to a *viva voce* vote. A similar practice existed in colonial times in Rhode Island as to indorsing the ballot; and the present method of *viva voce* vote in Kentucky is practically the same, and was the custom formerly in Virginia.

On the 10th of January, 1867, the following act, passed by the legislative assembly of the Territory, became a law by receiving the approval of the governor:

AN ACT to provide for the election of a delegate to the House of Representatives of the United States.

SECTION 1. *Be it enacted by the governor and legislative assembly of the Territory of Utah:* That an election shall be held on the first Monday of February, 1867, at the usual places of holding elections in the several counties of the Territory for the election of a delegate to the House of Representatives for the fortieth Congress. The election shall be held, conducted, and returns thereof made agreeable to "An act regulating elections," approved January 3, 1853. The delegate for the forty-first Congress shall be elected at the general election on the first Monday of August, 1868, and biennially thereafter.

SEC. 2. This act shall be in force from and after the passage thereof.

Approved January 10, 1867.

This is the first act ever passed by the legislative assembly specifically providing for the election of a delegate to Congress from Utah Territory, and prescribing the times, places, and manner of holding the elections, as required by the organic act.

For nearly seventeen years the people of the United States have been paying mileage and compensation to delegates from Utah.

In conformity with the foregoing enactment an election was held in the various counties on the 4th day of February, 1867.

1852.—The Danites, or secret police of the Mormon society, established by Smith by divine revelation, afforded an illustration of the local police in Utah in the following manner, (see Ferris's *Utah and the Mormons*, p. 191:) Two men by the name of Hickman and Hatch, members of the Danite band, were noted for robberies and violence. Hatch, for some reason, determined to leave the valley, and became a suspected person. These men were one day together on horseback. Hatch plunged into a creek to cross over and was shot from behind. Hickman immediately turned his horse, fled to the city, and reported that they (Hatch and himself) had been attacked by Indians and his companion killed. Hatch, however, had strength enough to make his way back to the city, and stated that he had been shot by Hickman. On a subsequent visit from Hickman Hatch and his family contradicted Hatch's first statement, and remained silent when questioned on the subject, until at the last moment, when dying, Hatch told his physician that the shot was fired by Hickman. The latter attended the funeral, and while officiously engaged in duties of an undertaker, the father of Hatch aimed a violent blow at Hickman. Public opinion was strong in the belief that the younger Hatch had been killed by Hickman; but no investigation by the authorities had been made. Hickman was still at large at the writing of the above by Mr. Ferris.

Other flagrant instances of the reckless disregard of life and utter neglect of law in prosecution of notorious criminals are recited by reliable authors who

have visited and resided in Utah within the last ten years. Among the instances which seem worthy of notice in the appendix to this report are the following facts:

Facts communicated in accompanying letter by Judge Titus, formerly United States district judge in Utah Territory, with annexed copy of a military order, as then within his knowledge and belief, and referring to the condition of society in Utah, but particularly to the killing of certain teamsters by order of Brigham Young, through the Mormon General Wells.

[Special Order.]

SALT LAKE CITY, April 9, 1858.

The officer in command of escort is hereby ordered to see that every man is well prepared with ammunition, and have it ready at the time you see those teamsters a hundred miles from the settlements. President Young advises that they should be all killed, to prevent them returning to Bridger to join our enemies. Every precaution should be taken, and see that no one escapes. Secrecy is required.

By order of General Daniel H. Wells:

JAMES FERGUSON,
Assist. Adj. General.

The whole of the above special order is visible, but the names of the officials to its handwriting and genuineness are covered by me.

JOHN TITUS.

Copy of a letter of John Titus to Hon. John W. Chanler.

WASHINGTON, March 19, 1868.

MY DEAR SIR: Allow me thus to communicate to you the subjoined facts, which was mainly the object of my call this morning.

By letter of May 6th from the Hon. Thomas J. Drake, the only judge now in commission for Utah, I learn that on complaint of General Clappitt, postal agent for the United States, two men were arrested for robbing the mail in Echo cañon, some miles from Great Salt Lake City, and on hearing were ordered to be committed in default of bail for the offence. General Robert T. Burton, of Great Salt Lake City, sheriff of that county, would not allow those men to be received for custody in the jail of that precinct, nor in the Utah penitentiary adjacent. They were, therefore, sent, as the only practicable alternative, to Camp Douglas for safe-keeping.

The cause of this was hostility to the federal government, and the wish to embarrass its officers by the Mormon leaders, of whom Burton is one, and hatred to Judge Drake for his fearless devotion to his duty. The fact that this man Burton is a United States officer, collector of internal revenue, makes the case no better.

The Utah penitentiary was built by moneys appropriated by the United States, has been more than once repaired by similar means, and is now, with the Indians, right or wrong, made the pretext for annual money-calls on the federal government. Heretofore the United States has paid the Mormons liberally in every case for the custody of offenders against its laws. I sent you through Judge Waite the report of evidence elicited in the case of 11 men charged with murder before me, and ordered to be committed to the Utah penitentiary, who are allowed to go, and still are, at large. These men, however, are Mormons, and some of them closely related to their leaders.

I present you this case as illustrative of Mormon hostility to the federal government, and of its disposition to embarrass the federal authorities there in the performance of their duty. It is perhaps quite worthy of mention in your coming report, and constitutes, it is submitted, good cause for withholding the annual legislative appropriations for Utah. This refusal, though apparently individual, is the authorized act of the Mormon organization, religious and secular, of whose existence and operations you have already some evidence before you.

Yours, very respectfully,

JOHN TITUS.

Hon. JOHN W. CHANLER.

Herewith is also presented a copy of a report in full of Brevet Brigadier General Carleton in regard to the Mountain Meadow massacre, reference to which has been made in contestant's argument before your committee, and a

report of which is to be found in Ex. Doc. No. 42, 36th Congress, 1st session, being message of President Buchanan, May, 1860, made in compliance with a resolution of the Senate, in which the Indians are reported, on page 96, said Ex. Doc. No. 42, to have acknowledged to Garland Hunt, Indian agent, that they participated in the massacre under the instigation of the Mormons; also on page 120, same Ex. Doc., Thomas Wright and William Jones depose to having seen several wagons, property of the emigrants who were massacred at Mountain Meadow; that representations were made to them by certain persons that the Lander's road, on which the Miltimore train had been massacred, was the best way to California; that said representations were false, and intended to deceive emigrants and get them to be plundered and robbed; that on this road the deponents saw a party of from 20 to 30 persons, either Indians or in the disguise of Indians; they then and yet believed them to be whites in disguise. Five or six of them had long, heavy beards, and three of them had yellow hair. None of them had long, coarse, black hair like the Indians. They spoke our language as well as any American speaks it. They knew the value of powder, lead, caps and guns as well as deponents did, as well as the cost of such things in the States. They also purchased some things of the deponent's party and paid for them in American gold coin. This was in August, 1859. (See Carleton's report.)

JUDICIARY.

Your committee hereto annex a statement of facts brought before them during the examination of this case relative to the condition of the judiciary in Utah Territory since its organization:

The most conclusive evidence of the character of the Mormons is the manner in which they have treated the federal judiciary, almost without exception, and the obstacles they have thrown in the way of the administration of justice.

There have been five chief justices in Utah, and something more than a corresponding number of associates, in all 17 judges, saying nothing of many who never went into the Territory. Of these 17, all have had difficulty with the Mormon leaders but four, Reed, Kinney, Shaver, and Snow, and of these Snow was a Mormon.

Perry E. Brocchus, one of the first associate justices, was appointed from the State of Alabama. He arrived in Utah in the summer of 1851.

On Monday, the 8th of September, 1851, the judge, by special request from Brigham Young, attended the general conference of the Mormon church, then being held in Great Salt Lake City. After the opening ceremonies, Mr. Young introduced Judge Brocchus, who made some remarks, touching, among other things, upon polygamy.

His remarks upon that subject gave great offence to Young, who turned upon him fiercely and said: "I will kick you or any other Gentile judge from this stand, if you or they again attempt to interfere with the affairs of our Zion."

What Judge Brocchus said is not reported. He himself says in a letter subsequently published, "My sole design in the branch of my remarks which seems to be the source of offence was to vindicate the government of the United States from those feelings of prejudice and that spirit of defection which seemed to pervade the public sentiment."

The real key to the conduct of Young may be found in the fact that the remarks of the judge struck at the foundation of his political power; hence he "administered," as he afterward said, "a severe rebuke." This audacious attack upon one of the judiciary justly caused much indignation at the time, and resulted in nearly every federal officer leaving the Territory. This was the commencement of the difficulties with the judiciary.

In February, 1856, a mob of armed Mormons, instigated by sermons from the heads of the church, broke into the court-room, and at the point of the bowie-knife compelled Judge Drummond to adjourn his court *sine die*. Soon afterward all the United States officers, with the exception of the Indian agent, were forced to flee from the Territory. (New American Cyclopedia, Dana & Ripley, vol. 11, page 740.)

Drummond was succeeded by Hon. John Cradelbaugh, afterward delegate in Congress from the Territory of Nevada.

Judges Eckles, Cradelbaugh, and Sinclair, arrived and entered upon their duties in the summer of 1858. In the spring of 1859, Judge Cradelbaugh, having been assigned to the southern district, made a vigorous effort to bring to justice and to punishment those engaged in the Mountain Meadow massacre, the crime having been committed within his district. The effort was worthy of all commendation, but resulted in a signal failure.

The nature of the difficulties encountered may be best understood from the following remarks of Judge Cradelbaugh to the grand jury when discharging them :

"This day makes two weeks from the time you were impanelled. At that time the court was very particular to impress upon your minds the fact that it was desirable to expedite business as speedily as possible. The court took occasion to call your attention to the difficulties under which we had to labor. It told you of the condition of the legislation ; it told you of the fact that the legislature had not provided proper means to aid the court in bringing criminals to punishment ; it told you that, aside from that, the legislation was of such a character as to embarrass the court in the discharge of its duties ; and that they had given criminal jurisdiction to courts of their own creation.

"The court also called your attention to the fact that there had been, in connection with this legislation, an attempt by persons within the Territory to bring the United States courts into disrepute with this people. It particularly called your attention to the fact that Brigham Young, the late executive of the Territory, at the time when he was a sworn officer of the government—sworn to see that the laws were executed—had taken occasion to denounce the courts as vile and corrupt ; also that he had taken occasion to denounce all attorneys and jurors of the court, and that this was done to prevent the proper and due administration of justice in the Territory.

"Aside from this, the court took the unusual course of calling your attention to particular crimes—the horrible massacre at the Mountain Meadows. It told you of the murder of young Jones and his mother, and of pulling their house down over them and making that their tomb ; it told you of the murder of the Parrishes, and Potter, and Forbes, almost within sight of this court-house. It took occasion to call names for the purpose of calling your particular attention to those crimes ; the fact that they have been committed is notorious.

"The court has had occasion to issue bench warrants to arrest persons connected with the Parrish murder ; has had them brought before it and examined ; the testimony presents an unparalleled condition of affairs. It seems that the whole community were engaged in committing that crime. Facts go to show it. There seems to be a combined effort on the part of the community to screen the murderers from the punishment due them for the murder they have committed.

"I might call your attention to the fact that when officers seek to arrest persons accused of crimes they are not able to do so ; the parties are screened and secreted by the community. Scarcely had the officers arrived in sight of the town of Springville before a trumpet was sounded from the walls around the town. This, no doubt, was for the purpose of giving the alarm. The officers were there to make arrests. The officers leave the town, and in a short time a trumpet sounds again from the wall for the purpose of announcing that the danger was over. Witnesses are screened ; others are intimidated by persons in that community.

"An officer of this court goes to Springville, meets the bishop of the town, asks him about a certain man, for whom he has a writ, he having understood that the man was a scribe in his office. He (the bishop) tells him that he has gone to Camp Floyd, while the fact is, the person the officer desires to find is at the time in sight in the street. We have here a bishop lying to prevent the service of the process of this court, and aiding in preventing criminals being brought to punishment.

"Such are the attempts made to prevent the administration of justice in the courts.

"Such acts and conduct go to show that the community there do not desire to have criminals punished ; it shows that the Parrishes and Potter were murdered by counsel, that it was done by authority ; the testimony goes to show that the persons engaged in committing these murders are officers in that community, policemen, and that they have since been promoted for committing these hellish crimes.

"At the commencement of this term of court these persons were to be seen elbowing about the streets with the bishops and other dignitaries, but now they are not to be found.

"You have had sufficient time to examine those cases ; more than two days ago you had all the testimony before you in the Parrish case, and for some cause you refuse to do anything.

"Your duty is to find bills when there is sufficient testimony to satisfy you of the probability of the party's guilt. The court has been patient with you ; it has given you time ; it has endeavored to be patient, that you might have ample opportunity to do your duty.

"By legislation we have no jails, no means to support prisoners, no means of paying witnesses, or jurors, or other officers of this court. It would seem that the whole of the legislation of this Territory was to prevent the due administration of justice.

"The court feels that it has discharged its duty ; it has furnished you every facility for discharging yours. Still, you make no report. To continue you longer in service would be wrong ; the public interest would neither be promoted nor benefited by it.

"You are therefore discharged from further service."

The grand jury was discharged on the 21st of March, and two weeks afterward, on the 4th of April, the judge adjourned his court, causing the following final entry to be made upon the records :

"This court has sought diligently and faithfully to do its duty, to administer the laws of the United States and of this Territory. It could not have any other object. But at every turn

it has had to encounter difficulties and embarrassments. Men high in authority in the Mormon church, as well as men holding civil authority under the territorial government, seem to have conspired to obstruct the course of public justice, and to cripple the earnest efforts of the court.

"The whole community presents a united and organized opposition to the proper administration of justice; every art and every expedient have been employed to cover up and conceal crimes committed by Mormons. Witnesses have been prevented by threats of violence from obeying the summons of this court; others that have testified have been driven to seek safety in the protection of the United States troops stationed near here, who, it is proper to say, are here on the requisition of the court, and for whose presence the court is responsible. The absolute necessity of having these troops here has been fully demonstrated by all that has transpired during the session of this court.

"To crown all, the grand jury, sworn to perform a high public duty, has lent itself as a willing instrument to this organized opposition to the laws of the country, and refused to meet its obligations.

"A most willing inclination has been manifested to prosecute Indians and other persons, not Mormons, for their offences, while Mormon murderers and thieves are allowed to go unpunished.

"This court determined, as its action manifests, that it did not intend to be used by this community for its protection alone, but that it will do justice to all, or it will do nothing.

"Not being able to do this, the court now adjourns without day.

"JOHN CRADELBAUGH,

"Associate Justice Supreme Court, Ex-officio Judge 2nd Jud. Dist."

"A true copy:

"LUCIUS N. SCOVIL, Clerk."

Thus ended the first and last attempt to punish those who had committed the atrocious murders of 1856 and 1857 in southern Utah.

Jude Cradelbaugh was succeeded by Crosby, and he by the present fearless officer, Judge Thomas J. Drake.

The history of these judges would be but repeated, by following the line of their associates, with the single exception of the first, Judge Snow, a prominent Mormon. Judge Stiles had his office plundered, and, as he supposed, the public records destroyed, though it appeared afterwards they had only been hidden. Judge Sinclair and his successors have all met with denunciation and abuse in the discharge of their duty.

In March, 1863, a large public meeting was held in Salt Lake City, inflammatory speeches were made, and resolutions were passed unanimously appointing a committee to wait upon the governor and two of the judges, and request them to resign and leave the Territory. And what was their offence? Taking such steps as in their judgment were necessary for the enforcement of the laws.

The chief justices, with the exception of Reed and Kinney, have been equally unfortunate. Bradenburg, Eckles, and Titus, all have met with the same difficulties, and the disgraceful history of the Territory, in connection with the attempts of the federal judiciary to sustain the authority of the general government and enforce the laws, has found a fitting climax in the sending of a *shroud* to the late bold and faithful chief justice, with a notification for him to leave the Territory.

Not only by opposition to and abuse of the federal judges, but by every other means in their power, is the administration of the laws prevented, extending even to the direct interference with jurors in the performance of their duty.

"If," says the editor of the *Deseret News*, "a court is known to trample upon our laws, by which alone our courts exist; and that court summons you to serve on a grand jury, inform the officer that a court which rules out the law by which it is constituted a court has no existence, and you cannot attend the sitting of a nonentity. If summoned to serve on a traverse jury, and the above plea does not suit you, and you do not wish to undergo the pillory of the jury-box, it is the most easy job in the world to form an opinion and express it."—*Deseret News*, of February 27, 1856.

A few days after this editorial had appeared, Jedediah M. Grant, one of the "presidents" of the church, used this language in a discourse at the tabernacle, in Salt Lake City:

"Last Sunday the president chastised some of the apostles and bishops who were on the grand jury. Did he fully succeed in clearing away the fog which surrounded them, and in removing blindness from their eyes? No, for they could go to their room and again disagree; though to their credit it must be admitted that a brief explanation made them unanimous in their action.

"Not long ago I heard that, in a certain case, the traverse jury were eleven against one, and what is more singular, the one alone was right in his views of the case.

"Several had got into the fog, to suck and eat the filth of a Gentile law court, ostensibly a court of Utah, though I call it a Gentile court."—*Remarks of J. M. Grant*, March 2, 1856. *Jour. of Dis.*, vol. iii, p. 233.

The teachings of Young are to the same effect. His sermons are full of bitter denunciations of the courts and juries, and he "counsels" his hearers to keep away from the court-

house, and to keep out of the jury box. (See Journals of Discourses, vol. iii, p. 241.) On one occasion he sent a number of the jurors on missions, for violating his instructions to them as jurors. (Deseret News, vol. v, p. 412.)

In the spring of 1863, when Brigham Young feared arrest for violating the anti-polygamy law of Congress, he voluntarily gave bond before Chief Justice Kinney, for his appearance before the next grand jury, to answer to any indictment which might be found against him. The grand jury refused to find a bill, though his violation of the law had been open and notorious.

The following will show the animus of the Mormon leaders, exhibited during the late war:

"The preparations that are being made for war indicate, with much certainty, that it is the intention of the opposing factions to resist each other, even to the shedding of blood." (Deseret News, April 17, 1861.)

In the Deseret News of April 24, 1861, the editor spoke of "the States once constituting the American Union," and "the government of the United States that was."

There are two classes of murders which are justified and defended:

The one is the killing of their enemies, upon general principles, which Kimball and Young sanction in their "pulpit."

The other is the killing of those who apostatize from the church, for the salvation of their souls.

This doctrine of "blood atonement," familiar to all residents of Utah, is thus explained and enforced by Young:

"There are sins that men commit for which they cannot receive forgiveness in this world or in that which is to come; and if they had their eyes opened to see their true condition, they would be perfectly willing to have their blood spilt upon the ground, that the smoke thereof might ascend to Heaven as an offering for their sins, and the smoking incense would atone for their sins; whereas, if such is not the case, they will stick to them and remain with them in the spirit world.

"I know, when you hear my brethren telling about cutting people off from the earth, that you consider it is strong doctrine; but it is to save them, not to destroy them. * * *

"I do know that there are sins committed of such a nature that, if the people did understand the doctrine of salvation, they would tremble because of their situation. And, furthermore, I know that there are transgressors who, if they knew themselves, and the only condition upon which they can obtain forgiveness, would beg of their brethren to shed their blood, that the smoke thereof might ascend to God as an offering to appease the wrath that is kindled against them, and that the law might have its course. I will say, further, I have had men come to me and offer their lives to atone for their sins.

"It is true that the blood of the Son of God was shed for sins through the fall and those committed by men, yet men can commit sins which it can never remit. As it was in ancient days, so it is in our day; and though the principles are taught publicly from this stand, still the people do not understand them; yet the law is precisely the same. There are sins that can be atoned for by an offering upon an altar, as in ancient days; and there are sins that the blood of a lamb, of a calf, or of turtle doves cannot remit, but *they must be atoned for by the blood of the man.*" (Discourse by President Brigham Young, delivered in the Bowery, Great Salt Lake City, September 21, 1856; Journals of Discourses, vol. iv, pp. 53, 54.)

President J. M. Grant said: "There are men and women that I would advise to go to the president immediately, and ask him to appoint a committee to attend to their case; and then let a place be selected, and let that committee shed their blood. * * *

"I would ask how many covenant-breakers there are in this city and in this kingdom? I believe that there are a great many; and if they are covenant-breakers, we need a place designated where we can shed their blood." (Remarks by President J. M. Grant, delivered at the Bowery, Great Salt Lake City, September 21, 1856; Journals of Discourses, vol. iv, pp. 49, 50.)

In another discourse, referring to the killing of covenant-breakers or apostates, he says that many will pray to the Lord to do that which they are ashamed to do themselves, and wants to know if they want the Lord to come down and do their dirty work. (Discourse of President J. M. Grant, March 12, 1854; House Rep. 39th Congress, 1st session, No. 96, p. 12.)

The history of the Territory exhibits numerous instances of murders committed under the sanction of these doctrines, both of their Gentile enemies and of apostates.

Of the former class, authorized by the teachings of Young and Kimball, the committee is referred to the killing of the Aikin party, consisting of six persons, on their way from California to Fort Bridger, in the fall of 1857, the last two being shot in cold blood, while under the protection of the Mormons; (this was shown by the testimony of a witness named Alice Lamb;) the killing, during the same year, of Yates, a mountaineer, in Echo Canyon; of Franklin McNeil, who had sued Brigham Young for false imprisonment, and was shot in his own door, the day preceding the time appointed for trial; the Mountain Meadow Massacre, in September of the same year; during the year 1858, the killing of Sergeant Pike, in Salt Lake City, while in the custody of the United States marshal; the shooting of Arnold

and Drown, at the house of a friend, in Salt Lake City, (Drown had obtained a judgment in the court against Hickman, a leading Danite;) the murder of two Irishmen, teamsters, the same year; in the year 1859, the killing of Price, a wagon-master in the army, at Fairfield, by Rice, who fled to Salt Lake City; the killing, at Salt Lake City, of Vincent, who had lately come from Pike's Peak, and was found stretched across one of the ditches, shot through the head, (his murderer never discovered;) in the year 1860, the killing of a private soldier, named William Bryan, at Fairfield, by a man called "Gus," who, on the second evening after the murder, was seen in Salt Lake City, but was never arrested; the murder, on the plains, of Almon W. Babbitt, secretary of the Territory, in the fall of 1856, (he had had a bitter quarrel with Brigham Young;) the killing, April 2, 1865, of Squire Newton Brassfield, a highly respected citizen of Austin, Nevada, who was shot down in the streets, while in the company of the United States marshal; and the assassination, on the 22d of October, 1866, of Dr. J. K. Robinson, who had become involved in litigation with the authorities of Salt Lake City.

In no one of these cases, so far as I am aware, were the murderers ever brought to justice.

The massacre of Lieutenant Gunnison and his party was also, in the belief of many, committed by Mormons; and the reasons of this belief were, that they were shot with bullets, while the Indians in that section of country used bows and arrows; that they were not scalped, and the field-notes of the surveys were carried away from the scene of slaughter. Mr. Bernheisel, delegate in Congress, wrote a letter denying the charge, but made no attempt to explain these suspicious circumstances.

Of the other class, the killing of apostates, sanctioned by the teachings of Young and Grant, I refer to the murder of the Parishes and Potter, in 1857, at Springville; of Forbes and of Jones and his mother, and of the deaf and dumb boy, Andrew Bernard, in 1858; the murder, by a Mormon bishop, of one of his wives, during the winter of 1858-59; the killing of the new prophet, Joseph Morris, with Banks and four women of his followers, who, having resisted those seeking to arrest them, were shot in cold blood, after surrendering, June 13, 1862; the killing of negro Tom, a Mormon, in the fall of 1866, who was found in the outskirts of the city, with his throat cut from ear to ear; and the murder on the 3d day of August, 1867, of Isaac Potter and Charles Wilson, at Coalville. This Potter was a brother of the two who were put to death in 1857. He had been pursued with implacable vengeance. More than forty criminal charges had been brought against him in the courts, from all of which he had been honorably acquitted. On the 2d of August last he was arrested with Charles Wilson and John Walker, charged with stealing a cow, and confined in the jail at Coalville. Toward the succeeding midnight they were all taken from their place of custody by 16 armed men, Potter and Wilson shot dead and Walker wounded. Potter's body was perforated by a number of bullets, and his throat cut.

None of the perpetrators of these crimes have been brought to justice. In the last case referred to, the men who committed the crime were arraigned before Chief Justice Titus, and committed to prison for trial, in October, 1867. They were permitted by the Mormon territorial marshal to escape, without any effort to retain them, and subsequently published an insolent and threatening letter to Judge Titus, in the Telegraph and Deseret News. At the same time a series of editorial articles appeared in those papers, abusing the federal judicial officers in Utah, warning the chief justice to leave, and menacing him with death if he remained.

Such has been the course pursued by the Mormon priesthood toward the federal executives, the judges and the juries, and toward the people and government of this country.

The following statements, laid before Congress at different periods and under different administrations, will give to the House a ground of opinion as to the character and form of government existing in the Territory of Utah. The first eight years after the organization of the Territory, from 1850 to 1858, Brigham Young was governor.

In 1858 Governor Cumming was appointed, and a serious quarrel arose between him and the commander of the United States troops and federal judiciary in the Territory. This quarrel lasted three years. Mr. Kane was sent as a special commissioner to arrange the existing difficulty, and an outbreak was prevented. But Judge Cradlebaugh was removed by the government of the United States, and General Johnston, with his command, ordered to another post.

Cumming resigned, leaving the power again in the hands of Young, who held it till the arrival of Dawson, in the winter of 1861-62. Dawson was soon driven from the Territory, and again Young held control till the arrival of Harding, in July, 1862. He was removed. Doty succeeded, and to him the present executive, Governor Durkee, who is carrying out the mild policy of his predecessor, in accordance with what was supposed to be the wishes of the government. That policy is "to let Brigham Young alone." That is all that he asks. It is all that Jefferson Davis ever asked. But while Brigham Young is being let alone, what becomes of the rights of American citizens in Utah? Let the murdered Brassfield and Robinson answer. What becomes of the execution of the laws? You will find

the answer in the harems springing up all over that Territory in open violation of the act of Congress of 1862. The laws of the United States are openly derided and defied: every attempt to enforce them is laughed to scorn, and red-handed murderers go unwhipped of justice.

In accordance with these views are the conclusions of the different departments of the government, and of the various congressional committees who have had occasion to examine into the affairs of the Territory, since its occupation by the Mormons.

The Secretary of War, in his report of December, 1857, says:

"The Territory of Utah is peopled almost exclusively by the religious sect known as Mormons. * * * They have substituted for the laws of the land a theocracy, having for its head an individual whom they profess to believe a prophet of God.

"This prophet demands obedience, and receives it implicitly from his people, in virtue of what he assures them to be authority derived from revelations received by him from Heaven. Whenever he finds it convenient to exercise any special command, these opportune revelations of a higher law come to his aid. From his decrees there is no appeal; against his will there is no resistance. * * *

"From the first hour they fixed themselves in that remote and almost inaccessible region of our territory, from which they are now sending defiance to the sovereign power, their whole plan has been to prepare for a successful secession from the authority of the United States, and a permanent establishment of their own."

On the 13th of February, 1863, Senator Wade, in a report submitted to the Senate, in reference to Utah affairs, used the following language:

"The customs which have prevailed in all our other Territories in the government of public affairs, have had but little toleration in the Territory of Utah; but in their stead there appears to be, overriding all other influences, a sort of Jewish theocracy, graduated to the condition of that Territory.

"This theocracy, having a supreme head who governs and guides every affair of importance in the church, and practically in the Territory, is the only real power acknowledged here, and to the extension of whose interests every person in the Territory must directly or indirectly conduce. * * *

"We have here the first exhibition, within the limits of the United States, of a church ruling the state." (37th Congress, 3d session, Rep. Com. No. 87.)

In January, 1866, certain resolutions were referred to the Committee on Territories of the House of Representatives, instructing them to "inquire and ascertain what means, civil or military, might lawfully be resorted to to effectually eradicate the evil of polygamy from the land, what legislation was needed for that purpose, and why the law against polygamy was not enforced;" also a resolution instructing the same committee to inquire into the expediency of reporting a bill providing for the repeal of the law organizing the Territory of Utah, and for dividing said Territory, and attaching a portion thereof to the State of Nevada, and the residue to the Territories contiguous to Utah.

That committee, through Hon. J. M. Ashley, chairman, reported, July 23, 1866, that they were unable to agree upon any plan which seemed to them to promise a practical solution of the abuses and evils complained of, and which were admitted to exist. They postponed the further consideration of the matter, and reported the testimony.

The committee state that "the testimony discloses the fact that the laws of the United States are openly and defiantly violated throughout the Territory, and that an armed force is necessary to preserve the peace and give security to the lives and property of citizens of the United States residing therein." (39th Congress, 1st session, H. Rep. No. 96.)

By an examination of this testimony it will further appear, that the nationality of the Mormon people is mostly English, Swedish and Danish, (testimony of Joseph H. Nevitt, page 3, and D. B. Stover, page 27;) that they have emigrated directly from those countries to Utah, without remaining long enough in the United States to become acquainted with our system of government; that consequently they are easily led to place implicit confidence in the teachings and government of Brigham Young and the leading men of the Mormon church, the substance of which during the three years last past (1863 to 1866) had been, that the government of the United States was to be broken up, and that no power in heaven or on earth could prevent it; that the north and the south would continue the war until nearly all the people were destroyed, &c., (testimony of Captain Stover, page 27;) that the Mormon system in Utah teaches disloyalty and treason to the government; that they have a State government in operation, which they call the government of the State of Deseret; that it has been organized many years; that they have a governor, lieutenant governor, and other officers and members of the legislature; that Brigham Young is governor and Heber C. Kimball lieutenant governor; that they hold a session of the Deseret legislature annually, immediately succeeding that of the territorial legislature; that they receive a message from the governor, Brigham Young, and that in this legislation they use the building, furniture, and fuel provided by the federal government for the territorial legislature. (Testimony of General P. Ed. Connor, pages 10 and 11.)

From the same report it further appeared that the "Gentiles," so called, in Utah, are virtually disfranchised, and excluded from participation in the government; (testimony of General Connor, page, 13;) that Brigham assumes to dictate in everything; that to oppose

the nominee of Brigham is to disobey counsel, and expose one's self to the terrors of the church; that all authority in the Mormon church resolves itself into the will of Brigham; that his will is the absolute law of the faithful. That the grand idea ever kept before the people is that Brigham's will is higher than the Constitution, higher than any human law, of more binding obligation, even than the Christian Revelation. (Testimony of Norman McCloud, page 15.)

That it is publicly proclaimed by the Mormon leaders in Utah Territory that "nothing in the shape of a free government could ever stand on North American soil that was opposed to Mormonism and polygamy." (Testimony of Norman McCloud, page 19.)

POLYGAMY.

In regard to the introduction of polygamy among the inhabitants of Utah, there is a division of opinion; some state that it was already a fixed practice in Nauvoo among the Mormons under revelation from Smith in 1843-4; others maintain that this practice was first introduced by Brigham Young and his colleagues, in 1852, at the Great Salt Lake City. The following statement on this subject presented in argument of counsel for contestant before your committee seems worthy of the notice of the House:

The first settlers in Utah were nearly all from England, Wales and the United States, and of course carried the common law with them. They could not release themselves from its provisions if they would. Nor did they then attempt to do so. In the years 1847 and 1848, when the first settlements were made in Utah, no one sought to establish polygamy as a social institution of the Territory. Its practice had been charged upon Smith and other leaders in the church, but it had been uniformly and persistently denied, both in this country and in Europe, by all their speakers and writers.

On the 29th day of August, 1852, Elder Orson Pratt rose in the rostrum of the Tabernacle, at Salt Lake City, and commenced a discourse in the following language:

"It is quite unexpected to me, brethren and sisters, to be called upon to address you this forenoon; and still more so, to address you upon the principle which has been named, namely, a plurality of wives.

"*It is rather new ground for me*; that is, I have not been in the habit of publicly speaking upon this subject; and it is rather new ground to the inhabitants of the United States, and not only to them, but to a portion of the inhabitants of Europe; a portion of them have not been in the habit of preaching a doctrine of this description, consequently *we shall have to break up new ground.*" (Journals of Discourses, vol. i, p. 53-54.)

Here was the first public promulgation of this doctrine and practice, as one to be accepted by the church. Having in this manner "broken the ground," after explaining fully the nature and requirements of the new doctrine, he proceeded to give its origin, and to announce the penalty attached to its rejection, which was that those to whom it should be taught, and who should reject it, were to be damned. (*Ibid.* p. 64.)

Afterward Brigham Young preached a sermon devoted exclusively to this subject, causing the "Revelation" on Celestial marriage to be read to the congregation.

From this time forth polygamy has been claimed to be a religious institution of Utah, and the authority of Congress to interfere with it has been strenuously denied.

Polygamy is no part of the Mormon religion as established by Joseph Smith. Not only is this distinctly proven by the testimony of Joseph Smith, jr., in the evidence reported by Mr. Ashley, (House Reports, 39th Cong., 1st Session, No. 96, pp. 5, 6 and 7,) but it is shown by the Book of Mormon and the Book of Doctrine and Covenants, the Old and New Testaments of Mormonism; by the preachings and teachings of all their speakers and writers previous to 1852.

What is the law of the United States in regard to polygamy? Express statute passed July, 1862, (12 Statutes at Large, 501-2,) provides suitable penalties for the violation of the law against polygamy. Have the people of Utah obeyed this statute? Your committee are here again to offer to your consideration statements given by contestant's counsel:

Did this community then submit to that law, and obey it? Or have they since persistently lived in its open violation? Polygamy has alarmingly increased since the passage of the law. Brigham Young himself was one of the first to violate it, publicly espousing another wife on the 29th of January, 1863.

In the summer of 1863, Judge Drake, upon the hearing of a *habeas corpus* case, ordered that a girl, who had been inveigled into a "plural" marriage with a Mormon bishop should be returned to the custody of her mother, and the marshal was ordered to execute the decree. But the people seized the girl as she was passing out of the court-house, bore her off in triumph, and delivered her to the bishop.

Judge Drake tells us that "since the commencement of 1865 polygamy has increased at

least 100 per cent. throughout the Territory. Previous to the year 1863, this doctrine or practice was not generally held to be a religious necessity, but merely a tolerance to be indulged in by those who desired it. It is now held to be a cardinal point. That and the shedding of the blood of apostates to save their souls are the two soul-saving doctrines of the Mormon faith." (Statement of Hon. Thomas J. Drake, House Mis. Doc., 2d session, 40th Congress, No. 35, pp. 9-10.)

The question then arises, shall a community be represented in the Congress of the United States who are thus living in open violation of a law passed for the protection of the highest interests of society and of the state?

I have thus considered the question in reference to polygamy generally, without referring specially to those obscene and disgusting practices which, in this case, are its concomitants. Incest in its various forms, and under various names, is practiced and encouraged.

The marriage of a man with the mother and her daughters indiscriminately, and marriage with a half sister are permitted. Wm. Hepworth Dixon says that Brigham Young admitted to him in conversation that he saw no objection to the marriage of brother and sister. But he spoke for himself only, as he thought the church was not yet prepared for so strong a doctrine. (New America, by Wm. Hepworth Dixon, p. 216.)

By reference to a sermon preached by Young, April 8, 1853, and reported in the Deseret News, volume iii, No. 12, it will be seen that he thought it prepared for another doctrine equally strong, the marriage of a mother with her own son.

Such are the doctrines and practices which are sought to be established and incorporated into the frame-work of society, in the heart of this continent. Is it not time, Mr. Chairman, that the representative of this corrupt, licentious, this tyrannical, traitorous, and bloody priesthood should be sent back to his constituents, with instructions to abandon their unwarrantable assumptions of temporal power, obey the laws, and remodel their government, so that it shall conform to the spirit of our free institutions?

It is proper that the industrial condition of Utah should, together with the other phases of society, be laid before the House, and your committee, therefore, present the accompanying statement, which, coming from parties favorable to contestant in this case, may be, so far as it is friendly to Mormon customs and developments of the natural resources of Utah Territory, received as impartial:

Besides the precious metals, there are also iron, coal, copper, &c., &c. Some of the coal mines lately discovered in Rush valley are very near these mines. Wood and water are abundant. Fish, provisions, and clothing, and salt enough to supply a world; and, ere long, when the great Pacific railroad is built, passing through our valleys, not only may our ores and precious metals arrive in New York in six days, but salt in abundance to supply even Syracuse at a cheaper rate than it can be made there.

The produce of Utah consists in part of wheat, barley, rye, oats, beans, corn, natural and cultivated grasses, potatoes, onions, turnips, carrots, beets, cabbages, &c., &c.; and of fruit of good size and superior flavor, apples, pears, plums, apricots, peaches, nectarines, grapes, cultivated and wild strawberries, raspberries and blackberries, currants, gooseberries, cultivated and wild, watermelons, muskmelons, pumpkins, squash, cucumbers, &c., &c.; bees, recently introduced from southern California, are doing well and producing honey; meats of all sorts, home fed and imported. The potatoes and peaches are unusually large, abundant and good, as admitted by all strangers. By them they are no doubt more highly relished after a tedious journey over the plains of over 1,000 miles, often occupying three months of time.

A thousand streams issuing from the kanyons, descending from melting snows and elevated springs, are full of fish, and subdivided and guided by innumerable channels, sparkling clear as crystal through every street, and often cold as ice-water. In summer supplies are taken up early in the morning and kept in cool cellars for use during the day; and the wealthier have wells dug contiguous to their kitchens, where clear, cold, spring water can always be had.

No fish in the Great Salt Lake, but millions of salmon and trout are obtained from Lake Utah, fifty miles south of Great Salt Lake City, and from Jordan river and the many streams descending from the mountains; also mullet, chubs, suckers, &c., in great abundance. Price varying from five to twenty cents per pound. Wild geese and ducks innumerable are had in the winter; hares and rabbits, in their season, are also very numerous.

The Mormon settlements extended from Fort Limhi, Montana, to the Colorado river, Arizona, over 1,000 miles. Now, perhaps, 800 miles is the distance from the extreme north settlement to Fort Call, on the Colorado south, and every settlement on this long range raises abundance of grain, stock, &c., and cotton (in some of those south) of excellent quality; flax and wool also raised and manufactured in large quantities. "The settlers go in strong for home manufactures."

The future of Great Salt Lake City cannot well be contemplated but with wonder and gratitude; we find her already an oasis in the desert, the admiration of passing thousands,

the replenishing market and refreshing place of emigrants, miners and travellers. What will she be when steamers on the Missouri and Colorado bring the necessities and luxuries of all nations to within 400 miles of this already great inland metropolis? What, when the Great Pacific railroad will convey all these and thousands of commercial men from the Atlantic and Pacific in from four to six days?

I shall now endeavor to meet and answer some of the objections that may be raised against the mines of Utah. "They are new and unknown." So were the mines of California, Idaho, Colorado, Nevada, and Montana at first. Yet look at the millions of the precious metals brought from these during the past few years. "Utah contains a peculiar people; they pay no taxes, charge high for provisions, and are unsafe to dwell amongst." I admit they are a peculiar people, and many of them—say 25,000 in the city, 95,000 in the Territory—dislike as much gamblers, drunkards and licentiousness, as they prefer honesty, sobriety, industry and virtue. There are but few saloons for idlers or loafers, and no places of "ill-fame," and if that people dislike the introduction of a heterogeneous mass of strangers, it is not the honest, hard-working miner, but those who often accompany or follow them, to defraud them of the fruits of their hard-earned labors, and seduce the virtuous. The apparently severe civic laws do not affect the industrious miners, but are generally approved and sustained by them, as well as by the military and citizens generally. The leaders and people of Utah know and respect the right of government to all the public domain and mining lands. They have paid about 2½ per cent. local taxes for many years, and all the internal revenue demanded for support of government for the last three or four years, and in the war with Mexico volunteered 500 of their best men to aid government, when asked. These facts are too often misrepresented and overlooked; and the prices of Utah are regulated, as elsewhere, by supply and demand. It is true an attempt was made to raise the price of produce when United States currency was much depressed in value, but it did not last. The fall in the price of gold, and a temporary stoppage of demand, soon lowered the prices. Flour, that before the opening of our neighboring mines was current at \$3 to \$6 per 100 pounds, when the demand from the mines rushed in upon them, rose to \$12 per 100 and upwards; but since the heavy shipments by the Missouri river to those mines, I am informed that flour at Great Salt Lake City has again receded to \$6 per 100. So has it been with other produce—increased demand or diminished supply has raised prices, and *vice versa*.

"And as to the safety and health of Utah as a place of residence, it is preferable to New York—much less rowdyism, robbery, and murder, in proportion to the population. The laws are wholesome, the good are *free* to do right, and the vicious restrained." The executive alone, and aided by the military provost marshals, are united and powerful, and do maintain peace in our cities. All honorable American citizens passing through our cities have admitted this and more in favor of Utah, as a healthy, industrious, and prosperous people. The masses will remain at their usual employments, and the cultivation of the soil. They depend on their own toil for grain—there is no importation; they are unwilling to risk being without bread, and depend on others. There will be ample room for thousands of our soldiers returning from the war, and other industrious miners, to prosecute their mining labors, not only uninterruptedly, but, if necessary, they will be aided in the maintenance of their rights.

The apparent industrial condition of the Territory at this time is certainly good, and its people law-abiding from their peculiar stand-point, although past acts of violence have disgraced its annals, and polygamy is a stain on its social system, and should be abolished.

STATEMENT OF SITTING DELEGATE.

A letter and tabular statements, laid before your committee by the sitting delegate after the foregoing sketch of Utah and its resources had been drawn up, are herewith presented to the House. (See statement of sitting delegate, marked K.)

It is much to be regretted that the sitting delegate delayed furnishing your committee with any facts within his knowledge or control to so late a period in the investigation of this case. Much of the labor of your committee would then have been saved and the form of this report could have been materially shortened and condensed. Nor is the information furnished as full and satisfactory as your committee sought and required. Should any further investigation of the affairs of the Territory of Utah be deemed advisable by this House, proper care should be taken to anticipate the delay and difficulty above referred to.

Your committee have collected from the authentic printed works of the Mormons the accompanying extracts, illustrating the views of your committee in regard to the character and disposition of a majority of the people of the Terri-

tory of Utah, and present them to the House as the reasonable basis, in certain respects, of the foregoing report of your committee. (See the "doctrine and covenants," marked L.)

That an estimate may be formed of the comparative influence which the Blue Laws of Connecticut may have had in developing the Mormon society and its kindred organizations in this country, extracts from the code of 1638, known as the Blue Laws, have also been annexed. The special *interpretation* of divine scripture is the source of human legislation in the Blue Laws, and a *direct revelation* from God is the source of authority among the Mormon leaders. Hence the parallel drawn by your committee and their conclusion thereon. (See "constitution of 1638," marked M.)

The laws regulating marriage in the Territory of Utah having been a subject of special legislation by Congress, and a direct violation of the established law being charged by the contestant in this case, your committee have, after due examination, deemed it their duty to offer to the House such information as has come to their knowledge, through reliable channels, touching the practice of polygamy in Utah. By this plan the committee are assured that the House can plainly see for itself the condition of society in this section of the country as presented by the Mormons themselves, as well as the impression made upon intelligent travellers among them.

The following letter from Liverpool, England, was procured by your committee for the purpose of ascertaining if the works here quoted were now disseminated as books of faith by the Mormons, and offer it as an additional proof of the scheme of this society. (See letter marked V.)

The extracts from non-Mormon books are written by persons who have actually visited the Territory, and by observation and intercourse among the Mormons, learned the facts stated by them.

The committee, in absence of other testimony, were necessitated to use these works as the only available means of forming an opinion in regard to the character of the institutions of the people of Utah. (See exhibits N, O, P.)

Your committee herewith append a (copy) special report of the massacre at Mountain Meadows, Utah Territory, in September, 1857, by James H. Carleton, brevet major United States army.

Your committee have deemed it advisable to present, in full, without further comment than to draw attention to—1st, the credibility of this report made by an officer of the army on the spot; 2d, the undoubted and undisputed power of the Mormon leaders throughout Utah Territory at the time this massacre took place; 3d, the evident apathy shown by the Mormons for the fate of these emigrants before and during the massacre.

CAMP AT MOUNTAIN MEADOWS, UTAH TERRITORY,

May 25, 1859.

MAJOR: When I left Los Angeles the 23d ultimo, General Clarke, commanding the department of California, directed me to bury the bones of the victims of that terrible massacre which took place on this ground in September 1857. The fact of this massacre of (in my opinion) at least 120 men, women and children, who were on their way from the State of Arkansas to California, has long been well known. I have endeavored to learn the circumstances attending it, and have the honor to submit the following as the result of my inquiries on this point.

Doctor Brewer, United States army, whom I met with Captain Campbell's command on the Santa Clara river the 15th instant, informed me that as he was going up the Platte river, on the 11th of June, 1857, he passed a train of emigrants near O'Fallon's bluffs. The train was called "Perkins's train," a man

named Perkins, who had previously been to California, having charge of it as conductor. That he afterwards saw the train frequently; the last time he saw it was at Ash Hollow, on the north fork of the Platte. The doctor says the train consisted of, say, 40 wagons. There were a few tents besides, which the emigrants used in addition to the wagons when they encamped. There seemed to be about 40 heads of families, many women, some unmarried, and many children. A doctor accompanied them. The train seemed to consist of respectable people, well to do in the world. They were well-dressed, were quiet, orderly, genteel; had fine stock; had three carriages, and other evidences which went to show that this was one of the finest trains that had been seen to cross the plains. It was so remarked upon by the officers who were with the doctor at that time. From reports afterwards received, and comparing the dates with the probable rate of travel, he believed this was the identical train which was destroyed at Mountain Meadows. I could get no information of these emigrants of a date anterior to this. Here seems to be given the first glimpse of their number, character, and condition, and an authentic glimpse, too, if the train destroyed was the one seen by the doctor, of which there can hardly be a doubt. The doctor was confirmed in his belief that the train he saw was the one destroyed by many reasons; among them one fact seems to be very convincing. He observed a carriage in the train in which some ladies rode, to whom he made one or more visits as they journeyed along. There was something peculiar in the construction of the carriage and its ornaments, its blazoned stag's head upon the panels, &c., &c. This carriage, he says, is now in possession of the Mormons. Besides, he afterwards heard as a fact that this train had been entirely destroyed. The people who owned it would not have been likely to sell such an important part of their transportation midway their journey. The road upon which these emigrants were seen by Doctor Brewer crosses the Rocky mountains through the South pass, and thence goes on down into the great basin to Salt Lake City; and thence southward along the western base of the Wahsatch mountains to what is called the Rim of the Basin. Here the "divide" is crossed, when it descends upon the valley of the Santa Clara affluent toward the Colorado. Fillmore City is upon one of the many streams which run westward down from the Wahsatch mountains into the basin. It is about 140 miles from Salt Lake City; then upon another stream, 90 miles farther south is Parowan City; then upon still another stream 18 miles south of Parowan is Cedar City; then to a settlement on Pinto creek is 24 miles; thence to Hamblin's house on the northern slope of the Mountain Meadows, six miles; from Hamblin's house over the Rim of the Basin to the southern point of the Mountain Meadows, where there is a large spring, is four miles and 1,000 yards. This swell of land or water-shed called the Rim of the Basin, runs west across nearly midway the valley called the Mountain Meadows. This valley runs north and south; its northern portion is drained toward the basin, its southern portion toward the Santa Clara. Down on the Santa Clara is a Mormon settlement called "the Fort." Here some 30 families reside. It is 34 miles from Mountain Meadows. East of Cedar City, say 18 miles on the east slope of the Wahsatch range drained by Virgin river, is the town of Harmony, of 100 families; and further down the Virgin river, 12 miles from "the Fort," on the Santa Clara, is Washington city, also of 100 families. The Santa Clara joins the Virgin river near Washington city.

The Pah-Vent Indians live near Fillmore City.

The Pah-Ute Indians are scattered along from Parowan southward to the Colorado.

The train of emigrants proceeding southward from Fillmore City toward the Mountain Meadows is next seen, so far as my inquiries go, by a Mr. Jacob Hamblin, a leading Mormon who has charge of "the Fort" on the Santa Clara and resides there in the winter season, but who has a cattle ranch and a house

where he lives in the summer-time, at the Mountain Meadows. I here give you what he said, and which I wrote down sentence by sentence as he related it. He told me he had given the same information to Judge Cradlebaugh.

About the middle of August, 1857, I started on a visit to Great Salt Lake City. At Corn creek, eight miles south of Fillmore City, I encamped with a train of emigrants, who said they were mostly from Arkansas. There were, in my opinion, not over 30 wagons. There were several tents, and they had from 400 to 500 head of horned cattle, 25 head of horses, and some mules. This information I got in conversation with one of the men of the train. The people seemed to be ordinary frontier "homespun" people as a general thing; some of the outsiders were rude and rough, and calculated to get the ill will of the inhabitants. Several of the men asked me about the condition of the road and the disposition of the Indians, and where there would be a good place to recruit their stock. I asked them how many men they had; they said they had between 40 and 50 "that would do to tie to." I told them I considered if they would keep a good look out that the Indians did not steal their animals, half that number would be safe, and that the Mountain Meadows was the best point to recruit their animals before they entered upon the desert. I recommended this spring and the grazing about it here, four miles south of my house, as the place where they should stop. The most of these men seemed to have families with them. They remarked that this one train was made up near Salt Lake City of several trains that had crossed the plains separately, and being southern people had preferred to take the southern route. This was all of importance that passed between us, and I went on my journey, and they proceeded on theirs. On my way back home, at Fillmore City I heard it said that that company (meaning the train referred to) had poisoned a small spring at Corn creek, where I had met them. There was some considerable excitement about it among the citizens of Fillmore, and among the Pah-Vent Indians, who lived within eight miles of that place. I was told that 18 head of cattle had died from drinking the water, that six of the Pah-Vents had been poisoned from eating the flesh of the cattle that died, and that one or two of these Indians had also died. Mr. Robinson, a citizen of Fillmore, whose son was buried the day I got there, said that the boy had been poisoned in "trying out" the tallow of the dead cattle. I am satisfied that he believed what he said about it. I thought at the time that the spring had been poisoned as stated. I encamped that night with a company from Iron county, who told me that the company from Arkansas had all been killed off at Mountain Meadows, except 17 children. I afterwards met, between Beaver and Pine creek, Colonel Daim, of Parowan, who confirmed what these people from Iron county had said. He further stated that the Indians were collecting on the Muddy with a determination to "wipe out" another company of emigrants, which was several days in rear of the first. He mentioned that the Indians had supplied themselves with arms and ammunition from the train destroyed at the Meadows. After consulting with him he advised me to go forward and spare no pains in trying to prevent their carrying their purpose into execution, and he gave me an order to press into service any animal I might require for that purpose. I got a horse at Beaver about 8 o'clock that evening, and the next evening, at Pinto creek, 83 miles distant, I met Mr. Dudley Leavett, from the settlements on the Santa Clara. I told him what I had heard. He told me that it was true, and that all the Indians in the southern country were greatly excited, and *all hell* could not stop them from killing or from at least robbing the other train of its stock. He further stated that several interpreters from the Santa Clara had gone on with this last train. I told him to return and get the best animal he could find at my ranch, and go on as fast as he could and endeavor to stop further mischief being done; that if the Indians ran off the stock of the train, for himself and all the interpreters to go and recover it if possible, and prevent further depredations. He left me under these instructions. The next morning, which I think was the 18th of September, 1857, I arrived at my ranch, four miles from the Meadows. Here I had left my family. I found at the ranch three little white girls, in the care of my wife, the eldest six or seven years of age, the next about three, and the next about one. The youngest had been shot through one of her arms, below the elbow, by a large ball, breaking both bones and cutting the arm half off. My wife having a young child of her own, and these three little orphans besides, my home appeared to be anything but cheerful. About one or two o'clock that day I came down to the point where the massacre had taken place, in company with an Indian boy named Albert, who had been brought up in my family. The boy told me that the inhabitants from Cedar City had come down and buried the murdered people in three large heaps, which he pointed out to me; the boy showed me two girls who had run some ways off before they were killed. The wolves had dug open the heaps, dragged out the bodies, and were then tearing the flesh from them. I counted 19 wolves at one of these places. I have since learned, from people who assisted in burying the bodies, that there were 107 men, women, and children found dead upon the ground. I am satisfied that all were not found. The most of the bodies were stripped of all their clothing, were then in a state of putrefaction, and presented a horrible sight. There was no property left upon the ground except one white ox, which is still at my ranch. The following summer, when the bones had lost all their flesh, I reburied them, assisted by a Mr. Fuller. The Indians have often told me that they made an attack on the emigrants between daylight and sunrise, as the men were standing around the camp fires, killing and wounding fifteen at the first discharge, which was delivered from the

ravine near the spring, close to the wagons, and from a hill to the west; that the emigrants immediately corralled their wagons and threw up an intrenchment to shelter themselves from the balls. When I first saw the ditch it was about four feet deep, and the bank about two feet high. The Indians say they then ran off the stock, but kept parties at the spring to prevent the emigrants from getting to the water: the emigrants firing upon them every time they showed themselves, and they returning the fire. This was kept up for six or seven days. The Indians say they lost but one man killed, and three or four wounded. At the end of six or seven days they say a man among them who could talk English called to the emigrants and told them if they would go back to the settlements and leave all their property, *especially their arms*, they would spare their lives; but if they did not do so, they would kill the whole of them. The emigrants agreed to this, and started back on the road toward my ranch. About a mile from the spring there are some scrub oak bushes and tall sage growing on each side of the road, and close to it. Here a large body of Indians lay in ambush, who, when the emigrants approached, fell upon them in their defenceless condition, and with bows and arrows, and stones, and guns, and knives, murdered all, without regard to sex or age, except a few infant children, 17 of which have since been recovered. This is what the Indians told me nine days after the massacre took place. From the position of the bodies, this latter part of their story seems to be corroborated, and I should judge that the women and children were in advance of the men when the last attack upon them was made. When I buried the bones last summer I observed that about one-third of the skulls were shot through with bullets, and about one-third seemed to be broken in with stones.

The train I sent Leavett to protect had gotten as far as the cañon five miles beyond the Muddy, when the Indians made a descent upon its loose stock, driving off, as the emigrants have since said, 280 head of cattle. Leavett and the other interpreters recovered between 75 and 100 head, which were brought back to my ranch. Of these the Indians afterwards demanded and stole some 40 head, and last January I turned over to a Mr. Lane, from California, the balance. These are all the facts within my knowledge, connected with the destruction of one, and the passing along of the other, of these two trains.

This Jacob Hamblin seems to be a man of considerable importance and note among the Mormons in this southern part of the Territory. He is about fifty years of age, and although with but little education, is a shrewd, intelligent, thinking man. Judge Cradlebaugh, I heard, was of opinion Hamblin was acting in good faith, and gave what he really believed was a true account of the massacre, and of the Mormon part taken in it. Hamblin has two wives: one about forty-five or fifty years of age, a sister of a Mormon named Hiram Judd, who lives at Hamblin's house at the Mountain Meadows; and another wife of about eighteen, a sister of the Dudley Leavett of whom he speaks. Hamblin is, and has for a long time been, Indian sub-agent for the Pah-Utes. He speaks their language well and has great influence with them. He told me the church had granted him a piece of land ten miles square, which covers the whole of the Mountain Meadows, the best grazing tract in Utah Territory. It is quite a significant fact that this ranch whereon the massacre took place is well stocked with cattle, among which the white ox is acknowledged to be. Mr. Hamblin and his story will be further considered upon at another place in this report. His eldest wife came to my camp and staid there with her husband the night of the 19th instant. The next morning I wrote down, word by word as she related it, her account of the massacre. Her husband took good care to be present at the time, and also took very good care to give her occasional promptings, although it has been perceived he was at Salt Lake City when the facts she related occurred. Her story was as follows:

I was residing four miles north of this spring at the ranch in the fall of 1857. Early in September of that year, about the first, a large train of wagons—I could not tell how many, think about fifty—passed by our house. None of the people stopped. There may have been a man who came and inquired the way to the spring. It was about noon. The next morning a man from the train came back to the house to see if I could sell him some butter and cheese. I had none, and he staid but a short time, saying his people had camped at the spring, where they would stay awhile to recruit their stock. I heard no more about the people of the train until Monday morning before daylight, when I heard a great number of guns firing at the spring. This firing was kept up until after daylight, all of half an hour, when it ceased. I did not hear any more guns until evening, after dusk, when the firing again began, but not so rapidly as before. This lasted say fifteen minutes, and I think there were some shots fired during the night. Sometimes I could not hear them so plainly as at others owing to the changing winds. After the firing of the first morning some white men came to our house and said that the Indians had attacked the train because the emigrants had

poisoned a spring near Fillmore. There was but one man about our house. His name was David Tullis. He is an Englishman and now lives at the fort on Santa Clara. There was an Indian boy, Albert. Tullis was herding the cattle and Albert the sheep. The white men who stopped at our house and told us about the excitement among the Indians, said they had been here at the spring and tried the fighting, but that the Indians had become enraged and were determined to kill the emigrants; that they were gathering for this purpose from all quarters. The Indians were frequently passing and repassing our house. They said I need not be afraid; they were friendly to me and would not hurt me, but that they would kill the emigrants. This firing and people passing to and fro, continued about a week. Several people from Harmony and other places gathered about and said they were trying to stop it. I noticed among them John D. Lee. He was at my house two or three times during the week. At length, between sundown and dark of the last day, I heard a firing greater than before and more distinct. This is the time when the last of them were killed after they started toward our house. In about an hour a wagon drove up to our house having 17 children in it, the most of them crying. One, a girl about a year old, had been shot through the arm, and another girl about four years old had been wounded in the ear. Their clothes were bloody. The wagon was driven up to the door by a man named Shurtz or Shirts, a son-in-law of John D. Lee. John D. Lee seemed to have the distributing of the children. The little girl who was shot through the arm could not well be moved. She had two sisters, Rebecca and Louisa, one seven and the other five, who seemed to be greatly attached to her. I persuaded Lee not to separate them, but to let me have all three of them. This he finally agreed to and the children staid with me, and I nursed the wounded child until it recovered, though it has lost forever the use of its arm. The next day after the last massacre, Lee and the rest started up the road with all the rest of the children in a wagon; and the Indians scattered off. This is all I know personally on the subject.

Mrs. Hamblin is a simple-minded person of about 45, and evidently looks with the eyes of her husband at everything. She may really have been taught by the Mormons to believe it is no *great* sin to kill Gentiles and enjoy their property. Of the shooting of the emigrants, which she had herself heard, and knew at the time what was going on, she seemed to speak without a shudder or any very great feeling; but when she told of the 17 orphan children who were brought by such a crowd to her own house—of one small room—there in the darkness of night, two of the children cruelly mangled, and the most of them with their parents' blood still wet upon their clothes, and all of them shrieking with terror and grief and anguish, her own mother heart was touched; she at least deserves kind consideration for her care and nourishment of the three sisters, and for all she did for the little girl "about one year old, who had been shot through one of her arms, below the elbow, by a large ball, breaking both bones and cutting the arm half off."

A Snake Indian boy called Albert Hamblin, but whose Indian name was a word which meant *hungry*, who is now about 17 or 18 years of age, says that Mr. Jacob Hamblin bought him beyond where Camp Floyd is located, and that he has lived with Mr. Hamblin six years here, and about three years up north. He was sent by Mr. Hamblin to my camp, at Mountain Meadows, on the 20th day of May, 1859, and, in speaking of the massacre at this place, related what follows, in very good English:

In the first part of September, a year and a half ago, I was at Mr. Hamblin's ranch, four miles from here. My business was to herd sheep. I saw a train come along the road and pass down this way; it was near sundown. I drove the sheep home and went after wood, when I saw the train encamp at this spring from a high point of land where I was cutting wood. When the train passed me I saw a good many women and children. It was night when I got home. Another Indian boy named John, who lives at the Vegar, and talks some English, was with me. He lived with a man named Sam. Knight, at Santa Clara. After the train had been camped at this spring three nights, the fourth day in the morning just before light, when we were all abed at the house, I was waked up by hearing a good many guns fired; I could hear guns fired every little while all day until it was dark. Then I did not know what had been done. During the day, as we (John and I) sat on a hill herding sheep, we saw the Indians driving off all the stock, and shoot some of the cattle; at the same time we could see shooting going on down around the train; emigrants shooting at the Indians from the corral of wagons, and Indians shooting at them from the tops of the hills all around. In this way they fought on for about a week. I asked an Indian what he was killing those people for. He was mad, and told me unless I kept "my mouth shut" he would kill me. Three men came down from Cedar City to our house while the fighting was going on; they said they came after cattle. Other men passed to and fro from Santa Clara

to our house during the nights. These three men from Cedar City staid about the house awhile pitching horse-shoe quoits while the fighting was going on, when they afterwards went back to Cedar City. Dudley Leavett came up from Santa Clara in the night while the emigrants were encamped here, but he did not see them. He went on to Cedar City to buy flour. When he got to the house we told him the emigrants were fighting here. One afternoon, near night, after they had fought nearly a week, John and I saw the women and children, and some men, leave the wagons and go up the road toward our house. There were no Indians with them. John and I saw where the Indians were hid in the oak bushes and sage, right by the side of the road, a mile or more on their route; and I said to John I would like to know what the emigrants left their wagons for, as they were going into a worse fix than ever they saw. The women were on ahead with the children. The men were behind. Altogether 'twas a big crowd. Soon as they got to the place where the Indians were hid in the bushes, each side of the road, the Indians pitched right on them and commenced shooting them with guns and bows and arrows, and cut some of the men's throats with knives. The men ran in every direction, the Indians after them and yelling and whooping. Soon as the women and children saw the Indians spring out of the bushes, they all cried out so loud John and I heard them. The women scattered and tried to hide in the bushes, but the Indians shot them down; two girls ran up the slope toward the east about a quarter of a mile; John and I ran down and tried to save them; the girls hid in some bushes. A man who is an Indian doctor also told the Indians not to kill them. The girls then came out and hung around him for protection, he trying to keep the Indians away. The girls were crying out loud. The Indians came out and seized the girls by their hands and their dresses, and pulled and pushed them away from the doctor and then shot them. By this time it was dark, and the other Indians down by the road had got nearly through killing all the others. They were about half an hour killing the people from the time they first sprang out upon them from the bushes. Some time in the night, Tullis and the Indians brought some of the children in a wagon up to the house. The children cried nearly all night. One little one, a baby just commencing to walk around, was shot through the arm. One of the girls had been shot through the ear. Many of the children's clothes were bloody. The next morning we kept three children, and the rest were taken to Cedar City; also the next morning the trains of wagons went up to Cedar City with all the goods. The Indians got all the flour; some of it I saw buried this side of Pinto creek. There were two yoke of cattle to each wagon as they passed up. The rest of the stock had been killed to be eaten by the Indians while the fight was going on, except some which were driven over the mountains this way and that. The Indians stripped naked the dead bodies—that is, all the men; some of the women had their under-clothes left. There were a good many men who came over from Pinto creek, and about, and staid around the house while the fight went on. I saw John D. Lee there about the house during that time; he lives in Harmony; and Richard Robinson, Prima Coleman, Amos Thornton, Brother Dickinson, who all live at Pinto creek; Thornton I saw at the house. When father (Jacob Hamblin) came back I came down with him on to the grounds. The bodies were all buried then so we could not see any. There were plenty of wolves around. The two girls had been buried also, and I did show them to father. The Indians buried the bodies, taking spades from the wagons. The people from Cedar City came down three days after the massacre, but the Indians had buried all the bodies before they came. This is all I know about it.

This Albert Hamblin is nearly a grown man in point of size, and from appearance and bearing has evidently had engrafted upon his native viciousness all the bad traits of the community in which he lives. Two of the children are said to have pointed him out to Doctor Forney as an Indian whom they saw kill their two sisters. His story is artfully made up, evidently part truth and part falsehood. Leavett could not have passed up from "the fort" to Cedar City without knowing where the emigrants were besieged, as the road runs near the spring where their corral was, and between it and some hills occupied by the Mormons and Indians. That Albert staid upon a neighboring hill "herding sheep," day after day, while the fight lasted, and then went up to the house of nights to go to sleep, cannot be true. That Mormons were passing and repassing upon the road, day and night, and did not know what was going on, is simply absurd to one conversant with the surroundings of the place. In this Indian's statement, that some of the Mormons at the house were "pitching horse-shoe quoits," a glance is given at the fiendish levity with which the murdering, day by day, of this artfully entrapped party of Gentiles, men, women, and children, was regarded. This "pitching of horse-shoe quoits" was during the time when dropping shots from the Indians and the other Mormons concealed around the spring and behind the crest of hills kept back the perishing emigrants from water. There was *time enough* for some to go up to Hamblin's house for

refreshments. No danger of the emigrants getting away. It was all safe in that quarter. "There was time enough for us to have a quiet game of quoits; the other boys will take care of matters down there."

The general will hardly fail to observe the discrepancy between Hamblin's statement and that of Albert in relation to the burial of the two girls, and in relation to the burial of the bodies of the others who had been murdered. Hamblin says the people from Cedar City buried them; Albert, that the Indians did it, taking spades from the wagons—not a likely thing for *bona fide* Indians to do. My own opinion is that the remains were not buried at all until after they had been dismembered by the wolves, and the flesh stripped from the bones, and then only such bones were buried as lay scattered along nearest the road. Albert had evidently been trained in his statement. He gave much of it after close cross-questioning, keeping always the Mormons in the background, and the Indians conspicuously the prominent figures and actors, as Hamblin and his wife had endeavored to do.

It was not until I told him that Hamblin and his wife had informed me that John D. Lee and the Mormons were there and had asked him how it was possible he had not seen them that he recollected about "brother Lee" and "brothers" Prime Coleman, Amos Thornton, Richard Robinson, and "brother" Dickinson, from Pinto creek. He too had fallen into the general customs of the people and called every man "brother." I questioned other Mormons in relation to the massacre, but many of them said they had moved from the northern part of the Territory since it took place. Others, that they were harvesting at Parowan, Cedar, and at "the fort," and knew nothing of it until it was all over. Even "brother" Prime Coleman told me he was harvesting near Parowan just before that time with "brother" Benjamin Nell, but when the massacre took place he was down on the Muddy river with "brother" Ira Hatch *to keep down disturbances there among the Indians*. (The Muddy is one hundred and sixty-three miles from Parowan on the road to California. He had to pass Mountain Meadows to go there.) He said that as he and Hatch were coming back they saw in the sand the tracks of three men who wore fine boots. This was at the Beaver Dams, between Mountain Meadows and the Muddy, and fifty miles from the Meadows. He and Hatch were frightened at this sign, were afraid of robbers, and did not stop even for water until they reached the Santa Clara, twenty miles off. At Pine Valley, near Mountain Meadows, they first heard of the massacre. There is no doubt but that all three of these men were active participants in the butchering at the Meadows. The foregoing is the Mormons' story of the massacre. As it took place on Hamblin's ranch, and within hearing of his family, it was impossible for them to be "out harvesting," or "up north" or "down on the Muddy." He himself had gone to Salt Lake City; at least he says so; but then this I think needs proof. Some account had to be made up, and the one most likely to be believed was, that the whole matter had been started by the Indians and carried out by them, because the emigrants had poisoned a spring near Fillmore City! Mr. Rogers, United States deputy marshal, who accompanied Judge Cradlebaugh in his tour to the south, told me the water of the spring referred to runs with such volume and force, "a barrel of arsenic would not poison it."

While the Mormons say the Indians were the murderers, they speak with no sympathy of the sufferers, but rather in extenuation of the crime, by saying the emigrants were not fit to live; that besides poisoning the spring, "they were impudent to the people on the road; robbed their hen-roosts and gardens; and were insulting to the church; called their oxen 'Brigham Young,' 'Heber Kimball,' &c., and altogether were a rough, ugly set that ought to have been killed anyway."

But there is another side to this story: It is said that some two years since Bishop Perley Pratt was shot in the Cherokee nation, near Arkansas, by the

husband of a woman who had run off with that saintly prelate. The Mormons swore vengeance on the people of Arkansas, one of whom was the injured husband. The wife came on to Salt Lake City after the bishop was killed, and still lives there. About this time, also, the Mormon troubles with the United States commenced, and the most bitter hostility against the Gentiles became rife throughout Utah among all the Latter Day Saints. It will be recollected that even while these emigrants were pursuing their journey overland to California, Colonel Alexander was following upon their track with two or more regiments of troops ordered to Utah to assist, if necessary, in seeing the laws of the land properly enforced in that Territory. This train was undoubtedly a very rich one. It is said the emigrants had nearly nine hundred head of fine cattle, many horses and mules, and one stallion valued at two thousand dollars; that they had a great deal of ready money besides. All this the Mormons at Salt Lake City saw as the train came on. The Mormons knew the troops were marching to their country, and a spirit of intense hatred of the Americans and toward our government was kindled in the hearts of this whole people by Brigham Young, Orson Hyde, and other leaders, even from the pulpits. Here, opportunely, was a rich train of emigrants, American Gentiles, that is, the most obnoxious kind of Gentiles; and not only that, but *these* Gentiles were from Arkansas, where the saintly Pratt had gained his crown of martyrdom. Is not here some thread which may be seized as a clue to this mystery, so long hidden, as to whether or not the Mormons were accomplices in the massacre? This train of rich Arkansas Gentiles was doomed from the day it crossed through the South pass and had got fairly down into the meshes of the Mormon spider-net from which it was never to become disentangled. Judge Cradlebaugh informed me that about this time Brigham Young, preaching in the Tabernacle, and speaking of the troubles with the United States, said that up to that moment he had protected emigrants who had passed through the Territory, but now he would turn the Indians loose upon them. It is a singular point, worthy of note, that this sermon should have been preached just as the rich train had got into the valley and was now fairly entrapped; a sermon, good coming from him as a letter of Mengne to these land pirates, who listened to him as to an oracle. The hint thus shrewdly given was not long in being acted upon. From that moment these emigrants, as they journeyed southward, were considered the authorized, if not legal, prey of the inhabitants. All kinds of depredations and extortions were practiced upon them. At Parowan they took some wheat to the mill to be ground; the miller went to ask the bishop if he might grind this grain for the damned Gentiles. The bishop replied, "Yes; but do you take double toll." This shows the spirit with which they were treated. These things are now leaking out; some of those who were then Mormons have renounced their creed, and through them much is learned, which, taken in connection with facts that are known, serve to develop the truth. It is said to be a truth that Brigham Young sent letters south authorizing, if not commanding, that the train should be destroyed. A Pah-Ute chief, of the Santa Clara band, named Jackson, who was one of the attacking party, and had a brother slain by the emigrants from their *corral* by the spring, says that orders came down in a letter from Brigham Young that the emigrants were to be killed; and a chief of the Pah-Utes named Tonche, now living on the Virgin river, told me that a letter from Brigham Young to the same effect was brought down to the Virgin river band by a man named Huntingdon, who, I learn, is an Indian interpreter and lives at present at Salt Lake City. Jackson says there were sixty Mormons led by Bishop John D. Lee, of Harmony, and a prominent man in the church named Haight, who lives at Cedar City; that they were painted and disguised as Indians; that this painting and disguising was done at a spring in a cañon about a mile northeast of the spring, where the emigrants were encamped, and that Lee and Haight

led and directed the combined force of Mormons and Indians in the first attack throughout the siege, and at the last massacre. The Santa Clara Indians say that the emigrants could not get to the water, as the besiegers lay around the spring ready to shoot any one who approached it. This could easily have been done. Major Prince, paymaster United States army, and Lieutenant Ogle, 1st dragoons, on the 17th instant, stood on the ditch which was in the corral and placed some men at the spring, twenty-eight yards distant, and they could just see the men's heads, both parties standing erect. This shows how vital a point the assailants occupied, how close it was to be assailed, and how well protected it was from a fire coming from the direction of the corral.

The following account of the affair is, I think, susceptible of legal proof, by those whose names are known, and who, I am assured, are willing to make oath to many other facts which serve as links in the chain of evidence leading toward the truth of this grave question: *By whom were these 120 men, women, and children murdered?*

It was currently reported among the Mormons at Cedar City, in talking among themselves, before the troops even came down south, (when all felt sure of arrest or persecution,) and nobody seemed to question the truth of it, that a train of emigrants of 50 or upwards, of men, mostly with families, came and encamped at this spring at Mountain Meadows, in September, 1857. It was reported in Cedar City, and was not, and is not doubted, even by the Mormons, that John D. Lee, Isaac C. Haight, John M. Higby, (the first resides at Harmony, the last two at Cedar City,) were the leaders who organized a party of 50 or 60 Mormons to attack this train. They had also all the Indians which they could collect at Cedar City, Harmony, and Washington City, to help them, a good many in number. This party then came down, and at first the Indians were ordered to stampede the cattle and drive them away from the train. They then commenced firing on the emigrants; one Indian was killed, a brother of the chief of the Santa Clara Indians; another shot through the leg, who is now a cripple at Cedar City.* It was said the Mormons were painted and disguised as Indians. The Mormons say the emigrants fought like lions, and that they saw they could not whip them by any fair fighting. After some days' fighting the Mormons had a council among themselves to arrange a plan to destroy the emigrants. They concluded, finally, that they would send some few down and pretend to be friends, and try to get the emigrants to surrender. John D. Lee and three or four others, headmen from Washington, Cedar, and Parowan, (Haight and Higby from Cedar,) had their paint washed off, and dressing in their usual dress, took their wagons and drove down towards the emigrants' corral, as if they were just travelling on the road on their ordinary business. The emigrants sent out a little girl towards them. She was dressed in white. Had a white handkerchief in her hand which she waved in token of peace. The Mormons with the wagons waved one in reply, and then moved into the corral. The emigrants then came out, *no Indians or others being in sight at this time*, and talked with these leading Mormons with the three wagons. They talked with the emigrants an hour or an hour and a half, and told them that the Indians were hostile, and that *if they gave up their arms* it would show the Indians that they did not want to fight, and if they, the emigrants, would do this they would pilot them back to the settlements.

The emigrants had horses which had remained near their wagons; the loose stock, mostly cattle, had been driven off, not the horses. Finally the emigrants agreed to those terms, and delivered up their arms to the Mormons with whom they had counselled. The women and children then started back toward Hamblin's house, the men following with a few wagons that they had hitched up. On arriving at the scrub oaks, &c., where the other Mormons and Indians lay

* There were, without doubt, a great many more killed and wounded.

concealed, Higby, who had been one of those who had inveigled the emigrants from their defences, *himself gave the signal to fire*, when a volley was poured in from each side, and the butchery commenced, and was continued until it was consummated. The property was brought to Cedar City and was sold at public auction. It was called in Cedar City, and is called now by the facetious Mormons, "Property taken at the siege of Sebastopol!" The clothing stripped from the corpses, bloody, and with lots of flesh in it, shredded by the bullets from the persons of the poor creatures who wore it, was placed in the cellar of the tithing office, (an official building,) where it lay about three weeks, when it was brought away by some of the party; but witnesses do not know whether it was sold or given away. It is said the cellar smells of it even to this day.

It is reported that John D. Lee, Haight, and Philip Smith, (the latter lived in Cedar City,) went to Salt Lake City immediately after the massacre, and counselled with Brigham Young about what should be done with the property. They took with them the ready money they got from the surrendered emigrants, and offered it to Young. He said he would have nothing to do with it. He told them to divide the cows and cattle among the poor. They had taken some of the cattle to Salt Lake City when they went up, and after the talk with Brigham they sold these to the merchants there. Lee told Brigham that the Indians would not be satisfied if they did not have a share of the cattle. Brigham left it to Lee to make the distribution. One or two of the Mormons did not like that Lee had this authority, as they say he swindled them out of their share. Lee was the smallest man of the lot.

The wagons, carriages, and rifles, &c., were distributed among the Mormons. Lee has a carriage reported to be one of them. The Indians have but few of the rifles.

Much of this seems to be corroborated by a man named Whitlock, a dentist, now at Camp Floyd. Whitlock says he was told by a Mormon, who acknowledged that he was present at the massacre, but who is now in California, that orders to destroy the emigrants first came from above, (Salt Lake City,) and that a party of armed men under the command of a man named John D. Lee, who was then a bishop in the church, but who has since (as Brigham Young says) been deposed, left the settlements of Beaver City, (north of Parowan,) Parowan City, and Cedar City, on what was called "a secret expedition," and after an absence of a few days returned, bringing back strange wagons, cattle, horses, mules, and also household property. There is legal proof that this property was sold at the official tithing office of the church. Whitlock says that this man could not report the detail of the massacre without tears and trembling. He said he was so horrified at these atrocities he fled away from Utah to California. The man said he saw children clinging around the knees of the murderers begging for mercy and offering themselves as slaves for life could they be spared. But their throats were cut from ear to ear as an answer to their appeal. There are now wagons, carriages, and cattle in possession of the Mormons which can be sworn to, it is said, as having belonged to these emigrants by those who saw them upon the plains.

Two hundred and forty-eight head of cattle were sold on the Jordan river, after the arrival of the army, to United States commissioners, by Mormons; and it is said that they can be traced as having come through the hands of Lee, and Hooper, who was Mormon secretary of state, and were, without doubt, the cattle taken from the emigrants. The Indians are supposed to have gotten but few of the arms. Others are seen in the hands of the Mormons, which are believed to have been captured at the time of the massacre. The Pah-Ute Indians, on the Muddy river, said to me that they knew the Mormons had charged them with the massacre of the emigrants, but said they: "Where are the wagons, the cattle, the clothing, the rifles, and other property belonging to the train? We

have not got them, or had them. No, you find all these things in the hands of the Mormons." There is some logical reasoning in that, creditable at least to the obscure minds of miserable savages, whatever be the truth. But there is not the shadow of a doubt but that the emigrants were butchered by the Mormons themselves, assisted doubtless by the Indians. The idea of letting the emigrants come on to an obscure quarter of the Territory, amid the fastnesses of the mountains, with a formidable desert extending from that point to California, over which a stranger to the country could not possibly, without sustenance, escape with his life; to a point where the Indians were numerous to lend assistance, and who could possibly be charged with the crime in case, in the future, any people should give trouble by asking ugly questions on the subject, exhibits consideration as to future contingencies of which these miserable Indians, at least, are entirely incapable. Besides, "fifty men that would do to tie to" in a fight, all well armed, and all expert in the use of the rifle, could have whipped ten times their number of Pah-Ute Indians armed only with the bow and arrow. Hamblin himself, their agent, informed me that to his certain knowledge, in 1855, there were but three guns in the whole tribe. I doubt if they had many more in 1857. The emigrants were to be destroyed with as little loss to the Mormons as possible, and no one old enough to tell the tale was to be left alive. To effect this, the whole plan and operations from beginning to end display skill, patience, pertinacity, and forecast, which no people here at that time were equal to, except the Mormons themselves. Hamblin says three men escaped. They were doubtless herding when the attack was made, or crept out of the corral by night. The fate of one of these he had never learned. He must have been murdered off the road, or perished of hunger and thirst in the mountains. At all events, he never went through to California, or he would have been heard from. One got as far as the Muddy river, 90 odd miles from the Mountain Meadows. There the Indians cut his throat. The other got as far as Las Vegas, 45 miles still further toward California, where he arrived totally naked, some Indians having stripped him of his clothes. Hamblin said an acquaintance of his coming from that way had seen by marks in the sand where the Indians had thrown him down, and where there had been struggling when he was stripped. The Las Vegas Indians cut his throat likewise. The Mormons had a fort at Las Vegas, now abandoned, but which was occupied at that time.

Here is something which seems to point toward the "track in the sand of three men who wore fine boots," which brothers Ira Hatch and Prime Coleman saw at the Beaver Dams, and at which they became so frightened they did not stop to get water, although there was none other within 20 miles. During this "siege of Sebastopol," or after the final massacre, it was doubtless discovered that the three emigrants had escaped, and brothers Hatch and Coleman, perhaps two Mormons named Young, were sent in pursuit to cut them off on the desert, or to get the Indians to do it. Hatch talks Pah-Ute like a native, and is now an interpreter of their language whenever needed. One of the Youngs, who now lives at Cotton Farm, near the confluence of the Virgin and Santa Clara, tells this story of the emigrants murdered on the Muddy. He and his brother, each on horseback and leading a third horse, were travelling from California, as he says, to Utah. Just before they had arrived at Muddy river they met one of the emigrants on foot. He had been wounded, was unarmed, and without provisions or water. It was at daybreak. He had travelled already nearly a hundred miles from the Mountain Meadows. He seemed to be terror-stricken. His mind was wandering. He talked incoherently about the massacre and of his purposes. Under the awful scenes he had witnessed, the pain of his wound, and the privations he had endured, his senses had given way. They told him of the long deserts ahead, on which, if he pursued his way, he would certainly perish. They persuaded him to return with them, mounted him on their led horse, and so came on to the Muddy, where they stopped to

prepare breakfast. One of the Youngs laid his coat, containing in its pocket \$300—all their money—on a bush, and commenced frying some cakes at a fire which had been kindled. The Indians gathered around in great numbers. The chief would seize the cakes from the pan as fast as they were done and eat them. At last one of the Youngs struck the chief with a knife, whereupon all the Indians rose to kill the three men. Young says he and his brother drew their revolvers, and holding them on the Indians kept them at a distance until they got to their horses, had mounted, and were out of arrow-shot. They then looked back for the emigrant, who had seemed, as he sat abstracted by the fire, hardly to comprehend what was going on. He had not left the spot where he sat. Three or four Indians had him down and were cutting his throat. They themselves then made off, leaving coat, money, and all their provisions. This is their story; but the truth doubtless was, the Youngs, Hatch, and Coleman had followed up the man, had found him beyond the Muddy, brought him back, and then set the Indians upon him.

The fate of these three men seems to close the scenes of this terrible tragedy on all the grown people of that fine train which was seen journeying prosperously forward at O'Fallon's bluffs on the 11th of the preceding June. There were doubtless atrocious episodes connected with the massacre of the women which will never be known. Mr. Rodgers, the deputy marshal, told me that Bishop John D. Lee is said to have taken a beautiful young lady away to a secluded spot. There she implored him for more than life. She, too, was found dead. Her throat had been cut from ear to ear. The little children whom we left this John D. Lee distributing at Hamblin's house after that sad night have at length been gathered together, and are now either at Indian Farm, 12 miles south of Fillmore City, or at Salt Lake City, in the custody of Dr. Forney, United States Indian agent. They are 17 in number. Sixteen of these were seen by Judge Cradlebaugh, Lieutenant Kearney, and others, who gave the following information in regard to their personal identity, &c. The children were varying from three to nine years of age—10 girls, six boys—and were questioned separately.

The first is a boy named Calvin; between seven and eight; does not remember his surname. Says he was by his mother when she was killed, and pulled the arrows from her back until she was dead. Says he had two brothers older than himself, named Henry and James, and three sisters, Nancy, Mary and Martha.

The second is a girl who does not remember her name; the others say it is Demurr.

The third is a boy named Ambrose Miriam Tagit. Says he had two brothers older than himself, and one younger. His father, mother, and two older brothers were killed; his younger brother was brought to Cedar City. Says he lived in Johnson county; but does not know in what State. Says it took one week to go from where he lived to his grandfather's and grandmother's, who are still living in the States.

The fourth is a girl obtained of John Morris, a Mormon at Cedar City. She does not recollect anything about herself.

The fifth is a boy obtained of E. H. Grove. Says that the girl obtained of Morris is named Mary, and is his sister.

The sixth is a girl who says her name is Prudence Angelina. Had two brothers, Jesse and John, who were killed. Her father's name was William, and she had an uncle Jesse.

The seventh is a girl. She says her name is Frances Harris or Horne; remembers nothing of her family.

The eighth is a young boy; too young to remember anything about himself.

The ninth is a boy who says his name is William W. Huff.

The tenth is a boy who says his name is Charles Francher.

The eleventh is a girl who says her name is Sophronia Huff.

The twelfth is a girl who says her name is Betsey.

The thirteenth, fourteenth, and fifteenth are three sisters, named Rebecca, Louisa and Sarah Dunlap. These three sisters were the children obtained of Jacob Hamblin.

I have no note of the sixteenth.

The seventeenth is a boy who was but six weeks old at the time of the massacre. Hamblin's wife brought him to my camp on the 19th instant. The next day they took him on to Salt Lake City, to give him up to Dr. Forney. He is a pretty little boy, and hardly dreamed he had again slept upon the ground where his parents had been murdered. These children, it is said, could not be induced to make any developments while they remained with the Mormons, from fear, no doubt having been intimidated by threats. Dr. Forney, it is said, came southward for them under the impression that he would find them in the hands of the Indians. The Mormons say the children *were* in the hands of the Indians, and were purchased by themselves for rifles, blankets, &c.; but the children say they have never lived with the Indians at all. The Mormons claimed of Dr. Forney sums of money, varying from two hundred to four hundred dollars, for attending them when sick, for feeding and clothing them, and for nourishing the infants from the time when they assumed to have purchased them from the Indians!

Murderers of the parents and despoilers of their property, these Mormons, rather these relentless, incarnate fiends, dared even to come forward and claim payment for having kept these little ones barely alive; these helpless orphans whom they, themselves, had already robbed of their natural protectors and supporters! Has there ever been an act which at all equalled this in devilish hardihood, in more than devilish effrontery? Never but one; and even then the price was but "thirty pieces of silver."

On my arrival at Mountain Meadows, the 16th instant, I encamped near the spring where the emigrants had encamped, and where they had intrenched themselves after they were first fired upon. The ditch they there dug is not yet filled up. The same day Captain Reuben P. Campbell, United States 2d dragoons, with a command of three companies of troops, came from his camp on the Santa Clara and encamped there also. Judge Cradlebaugh and Deputy Marshall Rodgers had come down from Provo with Captain Campbell, and had been inquiring into the circumstances of the massacre. The judge cannot receive too much praise for the resolute and thorough manner with which he pursues his investigations. On his way down past this spot, and before my arrival, Captain Campbell had caused to be collected and buried the bones of 26 of the victims. Dr. Brewer informed me that the remains of 18 were buried in one grave, 12 in another, and six in another. On the 20th instant I took a wagon and a party of men, and made a thorough search for others among the sage bushes for at least a mile back from the road that leads to Hamblin's house. Hamblin himself showed Sergeant Fritz, of my party, a spot on the right-hand side of the road where he had partially covered up a great many of the bones. These were collected, and a large number of others on the left-hand side of the road up to the slope of the hill, and in the ravines, and among the bushes, I gathered many of the disjointed bones of 34 persons. The number could be easily told by the number of pairs of shoulder blades, and by lower jaws, skulls, and parts of skulls, &c., &c. These, with the remains of two others gotten in a ravine to the east of the spring, where they had been interred at but little depth, 34 in all, I buried in a grave on the northern side of the ditch. Around and above this grave I caused to be built, of loose granite stones, hauled from the neighboring hills, a rude monument, conical in form, and 50 feet in circumference at the base, and 12 feet in height. This is surmounted by a cross, hewn from red cedar wood. From the ground to the top of the cross is 24 feet. On the transverse part of the cross,

facing toward the north, is an inscription carved deeply in the wood: "*Vengeance is mine: I will repay saith the Lord.*" And on a rude slab of granite, set in the earth and leaning against the northern base of the monument there are cut in the following words: "*Here 120 men, women, and children were massacred in cold blood, early in September, 1857. They were from Arkansas.*"

I observed that nearly every skull I saw had been shot through with rifle or revolver bullets. I did not see one that had been "broken in with stones." Dr. Brewer showed me one, that probably of a boy of eighteen, which had been fractured and split doubtless by two blows of a bowie knife or other instrument of that character. I saw several bones of what must have been very small children. Dr. Brewer says from what he saw he thinks some infants were butchered. The mothers doubtless had these in their arms, and the same shot or blow may have deprived both of life.

The scene of the massacre, even at this late day, was horrible to look upon. Women's hair in detached locks and in masses hung to the sage bushes and was strewn over the ground in many places. Parts of little children's dresses and of female costume dangled from the shrubbery, or lay scattered about, and among these, here and there on every hand, for at least a mile in the direction of the road, by two miles east and west, there gleamed, bleached white by the weather, the skulls and other bones of those who had suffered. A glance into the wagon, when all these had been collected, revealed a sight which never can be forgotten.

The idea of the melancholy procession of that great number of women and children, followed at a distance by their husbands and brothers, after all their suffering, their watching, their anxiety and grief, for so many gloomy days and dismal nights at the corral; thus moving slowly and sadly on up to the point where the Mormons and Indians lay in wait to murder them; these doomed and unhappy people literally going to their funeral; the chill shadows of night closing darkly around them—sad precursors of the approaching shadows of a deeper night—brings to the mind a picture of human suffering and wretchedness on the one hand, and of human treachery and ferocity upon the other, that cannot possibly be excelled by any other scene that ever before occurred in real life.

I caused the distance to be measured from point to point on the scenes of this massacre. From the ditch near the spring to the point up on the road where they were attacked and destroyed, and where their bones were mostly found, is 1 mile, 565 yards. Here there is a grave where Captain Campbell's command buried some of the remains. To the next point, also marked by a similar grave made by Captain Campbell, and where the women and children were butchered, a point identified from their bones and clothing having been found near it, is 1 mile, 1,135 yards. To the swell across the valley called the rim of the basin is 1 mile, 1,334 yards. To Hamblin's house, 4 miles, 1,049 yards.

Major Henry Prince, United States army, drew a map of the ground about the spring where the intrenchment was dug, and embracing the neighboring hills, behind which the Mormons had cover. On the crests of these hills are still traces of some rude little parapets made of loose stones, and loop-holed for rifles. Marks of bullets shot from the corral are seen upon these stones. I enclose this map, and also a drawing of the monument as it appears looking northward from a point below the spring, and another drawing, giving a near view of the monument. These latter are not so good as I could wish for, but they will serve to give a tolerably correct idea of what they are intended to represent. They were made by a Mr. Moeller, who has lived many years among the Mormons.

In pursuing the bloody thread which runs throughout this picture of sad realities, the question how this crime, that for hellish atrocity has no parallel in our history, can be adequately punished, often comes up and seeks in vain for an answer. Judge Cradlebaugh says that with Mormon juries the attempt to administer justice in this Territory is simply a ridiculous farce. He believes the

Territory ought at once to be put under martial law. This may be the only practicable way in which even partial punishment can be meted out to these Latter Day devils. But how inadequate would be the punishment of a few, even by death, for this crime, which nearly the whole Mormon population, from Brigham Young down, were more or less instrumental in perpetrating. There are other heinous crimes to be punished; besides, this martial law would at best be but a temporary expedient. Crime is found in the footsteps of the Mormons wherever they go, and so the evil must always exist as long as the Mormons themselves may exist. What is their history? What their antecedent? Perhaps the future may be judged by the past. In their infancy as a religious community (!) they settled in Jackson county, Missouri. There in a short time, from the crimes and depredations they committed, they became intolerable to the inhabitants, whose self preservation compelled them to rise and drive the Mormons out by force of arms. At Nauvoo, again, another experiment was tried with them. The people of Illinois exercised forbearance toward them until it literally "ceased to be a virtue." They were driven thence as they had been from Missouri, but fortunately, *this time* with the loss on their part of those two shallow impostors, but arrant miscreants, the brothers Smith. The United States took no heed of these wholesome lessons taught by Missouri and Illinois. The Mormons were permitted to settle amid the fastnesses of the Rocky mountains, with a desert on each side, and upon the great thoroughfare between the two oceans. Over this thoroughfare our citizens have hitherto not been able to travel without peril to their lives and property, except, forsooth, Brigham Young pleased to grant them his permission and give them his protection. "He would turn the Indians loose upon them." The expenses of the army in Utah, past, and to come, (figure that,) the massacre at the Mountain Meadows, the unnumbered other crimes which have been, and will yet be committed by this community, are but preliminary gusts of the whirlwinds our government has reaped, and is yet to reap, for the wind it has sown in permitting the Mormons ever to gain foothold within our borders.

They are an ulcer upon the body politic—an ulcer which needs more than cautery to cure. It must have excision—complete and thorough extirpation, before we can ever hope for safety or tranquillity. This is no rhetorical phrase, made by a flourish of the pen, but is really what proves to be an earnest and stubborn fact. This brotherhood may be contemplated from any point of view, and but one conclusion can be arrived at concerning it. The Thugs of India were an inoffensive, moral, law-abiding people in comparison.

I have made this a special report, because the information here given, however crude, I thought to be of such grave importance it ought to be put permanently upon record, and deserved to be kept separate and distinct from a report on the ordinary occurrences of a march. Some of the details might perhaps have been omitted. But there has been a great and fearful crime perpetrated, and many of the circumstances connected with it have long been kept most artfully concealed. But few direct rays even now shine in upon the subject. So that however indistinct and unimportant they may at present appear to be, even the faint side-lights given by these details may yet lend assistance in exploring some obscure recess of the matter, where the great truths that should be diligently and persistently sought for may yet be happily discovered.

I have the honor to be, very respectfully, your obedient servant,

JAMES HENRY CARLETON,

Brevet Major U. S. A., Captain in the 1st Dragoons.

Major W. W. MACKALL,

Assistant Adjutant General, U. S. A., San Francisco, California.

I certify that the above is a true copy.

E. D. TOWNSEND,

Assistant Adjutant General.

A. G. OFFICE, *March 23, 1868.*

EXHIBIT A.

HISTORIAN'S OFFICE,

Salt Lake City, February 17, 1868.

Your letters of January 30 and February 1 were received. You call my attention to a communication of Mr. J. S. Wilson, Commissioner of the Land Office, which was deposited in my office last fall, calling for information of such amount and variety that was beyond the facilities within our reach.

I now avail myself of the advantages of consulting with members of the legislature from different portions of the Territory, and am especially indebted for information to General W. B. Pace and Hon. Silas S. Smith, who have been on Indian service more or less for years and are familiar with where Indians range.

The inhabitants of Utah invariably came here poor, a large portion of them in debt for their immigration. They are small farmers, occupying from five to 15 acres of land each, and few are able to extend their operations beyond that amount. The expense in labor of irrigating is in itself considerable, as, with some exceptions, the ground has to be watered by artificial means from two to five times for wheat, oats, and barley, and still more for corn and fall crops. This requires a net-work of ditches, generally varying from four to six feet apart, according to the nature of the soil, and with clay land requires to be flooded; and care and skill are necessary in doing this to prevent the ground from "baking," which would materially injure the crop.

Every field has its head ditches, which take the water from the canals. The accompanying reports of the agricultural society as to expense refer only to the canals, without including the expense of spreading the water on the land.

Those lands now occupied are such as could be irrigated with the least expense, and each additional field requires deeper canals and more expensive dams, flumes, and other works. Many of the settlements have already brought into cultivation more land than the amount of water in their streams justify. Some large settlements have been reduced to small ones by the first settlers overrating the capacity of their streams for irrigation. Of this class Cedar City has been reduced from 250 families to about 70; Old Harmony has been abandoned in consequence of the waste of water by conducting it in canals from Kanarah and Ash creek. The evaporation and soakage was so great as to compel the abandonment of the locality after a vast expenditure had been made. E. T. City is another of this class, which has been almost entirely abandoned for want of water for irrigation. Some localities require five times as much water per acre as others. This may be owing to the conglomerate or pudding-stone formation which underlies much of the country.

The proportion of land susceptible of irrigation is comparatively very small. Additional strips of land along the banks of Bear, Weber, Ogden, Jordan, Provo, Spanish Fork, Sevier, and Rio Virgin rivers may be irrigated at a heavy expense. The Southwest Jordan Irrigation district, recently organized, estimates the cost of irrigating 30,000 acres, in dams, flumes, main canals, gates, and waste weirs, at \$450,000. This is not including the smaller canals for distributing the water to the farms. The valleys of nearly all these rivers are narrow; the bottom lands that can be irrigated are alluvial deposits, and are liable to be washed away.

The inhabitants along the Rio Virgin have suffered the greatest damage from this cause, though the settlements on other streams have been more or less damaged. As a general rule all the streams, as soon as they enter the valleys from the mountains, begin to grow smaller from soakage and evaporation, incident to the porous soil and dry atmosphere; it is, therefore, necessary to select the plats of ground for cultivation as near the foot of the mountains as possible to find a desirable quality; and the excessive waste of water in the ditches

requires that they should be as short as consistent. This accounts for there being from 12 to 20 farmers to every quarter section of farming land. The only meadows in the country are in those localities where the waters of the streams spread out and sink, or in the vicinity of springs. According to a report of Mr. Rockwood, chairman of a special committee of the Utah legislative assembly for the collection of historical and geographical facts, under date of January 16, 1867, the area of the Territory is 67,375 square miles, or 43,120,000 acres.

According to the report of the agricultural society for 1866, the number of acres cultivated is about 134,000, which is fully one-third of the amount of land that can be irrigated in the Territory without the use of artesian wells, the residue being lakes, inaccessible mountains, barren deserts, alkali, and sage plains; but there are localities above the line of cultivation, and in the deserts, where cattle may be sustained during summer, but the production of stock must be limited, through the lack of water to produce sufficient forage for their winter sustenance.

The estimated amount of tillable land not yet under cultivation is 268,000 acres, which, at a ratio of 640 inhabitants to the square mile of irrigated land, the present estimated population, will give support to 402,000 souls by agriculture.

Several attempts have been made to bore artesian wells, but in no instance has more than 400 feet been attained, and in every instance the "boulders" and other obstructions were such as to cause their abandonment, for the present, at least. A tract of land on the Jordan, immediately west of Salt Lake City, consisting of about 11,000 acres, has been surveyed into 5, 10, and 20 acre lots, taken up by individuals who associated themselves into an irrigation district under the name of the Jordan Irrigating Company. They have been operating upon this tract for 10 years, expending about \$15 per acre, losing a dam and other works which cost them \$12,000, by a flood, and have not yet succeeded in getting over 500 acres under proper cultivation; the land requires more water than was anticipated, and an enlargement of all their canals to about four times their present capacity will be necessary to accomplish the work, and all the higher plats of land irrigated throughout the Territory will be at an increased ratio of expense, incurring liability to more disastrous accidents and losses by flood.

During last winter all the dams for irrigation of the bottom lands on the Rio Virgin have been swept out by flood, and in this locality materials are hard to be obtained to replace them.

TIMBER.

The entire valleys susceptible of cultivation are destitute of timber, with the exception of fringes of willow and dwarf cottonwood on the streams; all the fuel comes from the mountains, from 2,000 to 5,000 feet above the level of Salt lake.

In many settlements it requires three days to bring home a load of wood, and any that can do so in one consider themselves highly favored, the price varying in Salt Lake City from \$15 to \$20 per cord, and the wood of poor quality for fuel.

Timber is found in streaks along the mountain gorges or cañons, varying from 1 to 40 rods wide. Near the snow-line are found small groves of aspen, fir, and red pine; the oak and maple of the country are dwarf varieties, and but little is found. I have never seen the spot where a section of good timber could be surveyed in a square.

In some localities scrub cedar and nut pine are found on the sides of the mountains; their growth, however, is always short and scattering, a post eight feet long being hard to obtain.

The sides and tops of the mountains, as a rule, are bare of timber, the exception being near the snow-line and along the streams.

MINERAL RESOURCES.

In the county of Iron, Centre Creek cañon, there are mines of alum and copperas, which, doubtless, might be worked to advantage; in Coal Creek cañon, eight miles above, and southeast of Cedar City, there are veins of bituminous coal; about 12 miles southeast of Cedar City there are large quantities of magnetic iron ore.

In Little Creek cañon, about five miles from Paraligoonon, are also beds of rich iron ore. The dust of the country contains iron rust in such quantities as to color the ground, and this gave rise to the name of the county.

In Beaver county, about four miles north of Minersville, are mines of lead which are being worked; there are also copper and iron in the same vicinity, and near Adamsville is iron ore.

In the county of San Pete, about four miles west of Moroni, are veins of bituminous coal which have been worked and coal hauled to Salt Lake City, about one 130 miles, for use of blacksmiths.

In the county of Summit, about 50 miles north of east from Salt Lake City, are several veins of lignite or brown coal, which are being worked, and supply this city with fuel; but its quality is not suitable for blacksmith work. Near Sulphur creek, in Summit county, about 7,000 feet above the level of the sea, is petroleum.

In Tooele county, near Stockton, are mines of lead. In Bingham cañon, Salt Lake county, are mines of lead and copper, and a few specimens of gold have been discovered.

During the three years that General Connor was stationed here with the California and Nevada volunteers, a large portion of the men, being miners, were employed in prospecting through the entire Territory for gold and silver, but I have not learned that anything has been discovered that will pay for working, though it is said silver has been found in Little Cottonwood cañon, in this county.

It is also said that large sums have been obtained from unsuspecting companies and individuals at a distance, in the anticipation of opening valuable mines of gold and silver at Stockton, Bingham cañon, and Little Cottonwood.

ESTIMATED VALUE OF PRODUCTS.

My estimates, based upon the reports of the agricultural society and other sources of information, are, for 1866, \$4,500,000; for 1867, \$3,300,000. The difference is on account of the ravages of grasshoppers and the abandonment of settlements in consequence of the Indian war in the southern counties.

GEORGE A. SMITH.

Hon. W. H. HOOPER.

EXHIBIT B.

Statistics of population, towns, villages, and productive industry of Utah Territory.

Counties.	Villages.	Post offices.	Grist-mills.	Saw-mills.	Population.
Rich.....	6	4	1	1	2,000
Cache.....	12	12	6	10	10,000
Box Elder.....	3	3	2	3	4,000
Weber.....	4	6	4	8	6,000
Davis.....	5	5	4	6	5,000
Morgan.....	3	4	1	2	2,000
Summit.....	2	3	2	3	2,000
Wasatch.....	2	2	1	1	2,000
Salt Lake.....	6	6	8	12	23,000
Tooele.....	3	3	1	4	4,000
Utah.....	11	11	9	10	12,000
Juab.....	1	3	2	4	3,000
San Pete.....	9	9	4	6	8,000
Millard.....	4	5	2	4	5,000
Beaver.....	3	3	2	2	4,000
Iron.....	4	4	2	4	4,000
Washington.....	6	10	3	6	7,000
Kane.....	2	2	1	2	3,000
	86	95	55	88	108,000

EXHIBIT C.

Statistics of agriculture of Utah Territory.

The annexed statement on agriculture, taken from the annual message of Governor Durkee, session 1866, gives the following statistics. I regret I have not his message accompanying reports of session 1867 :

Number of acres of wheat, 1866	55,553
barley	4,681
oats	11,631
corn	9,502
tame grass	65,044
small crops	2,421
sorghum	2,889
roots	5,291
apples	717
peaches	962
grapes	177
cotton	551

EXHIBIT D.

Factories, &c.

Three woollen factories, 3 cotton factories, some 20 tanneries, 3 theatres, 100 churches and places of worship, 1 iron factory, 1 brass factory, 1 paper-mill, and 1 nail factory, 3 daily papers, and one weekly.

Schools and school houses	164
School teachers	225
Children between the ages of 4 and 16	18, 183
Children enrolled at school	9, 849

Subsequent to this report, 1866, the Territory has taken steps for advancing education in a higher grade; appropriations have been made for the benefit of the Deseret University.

EXHIBIT E.

Appropriations made by the legislature of Utah for the following purpose, session 1867-1868:

Roads and bridges	\$29, 082 31
Indian wars	13, 986 25
Education	10, 700 00
Penitentiary	3, 800 00
Incidentals	1, 381 99
Judiciary	1, 299 10
Salaries to officials	3, 350 00

EXHIBIT F.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 24, 1868.

SIR: In accordance with your request of the 23d instant, I herewith transmit you a statement showing the total collections returned by the collector from the Territory of Utah for the fiscal years 1866-1867, and the first 10 months of the fiscal year 1868.

Very respectfully,

E. A. ROLLINS, *Commissioner.*

Hon. W. H. HOOPER,
House of Representatives, Washington, D. C.

Statement showing the total collections returned by the collector from the Territory of Utah, for the fiscal years ending June 30, 1866-1867, and the first 10 months of the fiscal year 1868.

Collections for fiscal year 1866	\$61, 720 46
Collections for fiscal year 1867	64, 296 34
Collections for 10 months of 1868	41, 855 04
Total	167, 871 84

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 24, 1868.

EXHIBIT J.

Statistics of irrigation, &c.

No. canals, main	277
No. miles	1, 043
Mean width	5 feet 3 in.
Mean depth	2 feet 2 in.
No. acres watered ..	153, 949
Cost of canals	\$1, 766, 939
Estimated cost of canals in course of construction	\$900, 000

The above taken from report Deseret Agricultural Society, January 11, 1866.

See J. Ross Browne's report Mineral Resources of the United States, 1868, pages 482 to 487.

EXHIBIT H.

Statement of sitting delegate.

SIR: In compliance with your verbal request I have attempted to throw together some statistics touching the industrial status of Utah, believing it to be your wish in making the contemplated report to the Committee of Elections to place my Territory as fairly before the country as the facts will warrant. I regret that my health will not enable me to do more than give you a few leading items, showing the growth and development of that once far-off and isolated country. Much has been said and printed to the great prejudice of the people known as Mormons; and the opinions of many have been influenced by the general belief, no doubt honestly entertained by some, that hostility to these people originated in their social institutions. But I venture the opinion that the more hostile of their adversaries are not moved by any such considerations, but are ever ready to use the question of polygamy as the surest and strongest appeal to the prejudices of the masses. If polygamy alone was the cause, why were these people driven from Ohio, Missouri, and Illinois? No polygamy existed prior to the first two expulsions, and was not openly practiced or known when the last occurred. I apprehend, sir, that the influences which have operated against them in Utah, and particularly those of a late date, grow out of the same cause, in the main, which expelled them from their former homes, to wit, covetousness—a desire to seize and possess their property. I have ever found an element, though limited in extent, and far from being universal, in the Territory which was plotting for troops, working for discord, hoping for confusion by harassing the people with threats of what the government would do, intending thereby to drive the people to the committal of some overt act whereby the strong arm of the government of the United States would be brought against them; and I am sorry to say that in some instances officials of the United States, who should have been peace-makers, have loaned themselves to carry out the purposes of designing men. The people of Utah, ever conscious of the desire to do right, yet human and weak, have become so accustomed to be maligned, and have so frequently had the deaf ear turned to their complaints, that doubtlessly they may have remained silent at times when charges have been made, and when it would have been better to have spoken out. Now and then men not Mormons have arisen above popular prejudice, and have dared to vindicate, though mildly, these people from the assaults made upon them. I have upon my mind the official report of Captain Howard Stansberry, who, with Lieutenant Gunnison, surveyed the Great Salt lake, and spent a year or more with the people, in the infancy of their colony. I invite your attention to his remarks

about these people. Also the work of Hepworth Dixon, styled "New America;" and to a lecture of Colonel Thomas Kane, before the Historical Society of Philadelphia. I think in the work of Lieutenant Gunnison you will find much said in vindication of the Mormons.

But, sir, the strong reliance which the people of Utah have is in their acts and works. I think you will concede that crime and industry are not companions of long duration. Crime in all its forms takes the idler or the non-producer. The Mormons as a people have never been charged with indolence; they have never accepted of occupations that lead to lives of venture, like mining and other precarious pursuits, which would be more congenial to that class in which enemies of these people have attempted to place them. They are sober, industrious and thriving. Their towns are admitted to be well-regulated, and free from the objections which more or less characterize places of equal size out of Utah. I will now very briefly notice what they have done; for they alone have built up the Territory from a desert waste, which twenty years ago was 1,200 miles from either settlements or navigable rivers, to what is now claimed to be a flourishing young state, containing 100,000 inhabitants, with a territorial extension of 75,000 square miles, dotted with over 86 flourishing towns and cities, with near 100 post offices, and with her 143 grist and saw mills, three cotton and three woollen factories; her 25 tanneries; her manufactories of shoes, hats, wagons, furniture, nails, and many other branches of the mechanic arts; her three theatres—one equal in size and grandeur to those of the older States; her 100 churches and places of worship; her 120 school-houses; her splendid places of business and her comfortable residences; her expensive system of roads to the mountains, leading to the timber, growing only on the snow-capped peaks; her bridges and ordinary roads in good repair; her thorough system of agriculture and horticulture, based upon a thorough and expensive system of irrigation; her vineyards; her fields of cotton, indigo and madder; her sheep-folds, cattle and horses; and, above all, her 18,000 children between the ages of 4 and 16 years—one-half of which are in school. I think these facts show conclusively that the charge against the Mormons of being a wicked, licentious people, is without foundation, and the facts themselves should receive at your hands that indorsement which would be but simple justice to these people, and which would place them before the country in a light which would tend greatly to modify the popular prejudice which exists against them.

It is charged that the Mormons have been guilty of harsh expressions. Doubtless much has been said that wisdom would have left unsaid; but where are the human beings on earth who have not feelings of resentment? The Mormons left their old homes in the States, feeling that they had been wronged, grossly; yea, robbed, and many of their kindred murdered. They sought a new home, where they could at least live in peace and worship according to their own dictates. With this stern resolve they crossed Iowa, then a wilderness, (1845,) but being poorly clad and badly provisioned, many sickened and died. From time to time they marked their route of travel with the grave of some dear one who fell a victim to disease, contracted through destitution and suffering upon the banks of the Mississippi. Finally, the beginning of winter found them encamped on the banks of the Missouri, in what was then called the Pottawatomie country. Here they wintered, laying out the town now known as Council Bluffs. In the spring of 1847, when preparing to send forward their pioneers to seek out a home and a route thereto, the government called upon the Mormons for 500 men to aid in vindicating her honor in the conflict with Mexico. These men, at great sacrifice and serious inconvenience, answered to the call and volunteered. They made the march across the continent under St. George Cooke; were honorably discharged in southern California the following year, and returning eastward, found their families in the great basin of the Salt lake. The advanced guard or pioneers, who numbered some 150 men, reached Salt Lake valley on

July 24, 1847; selected the present site of Salt Lake City; built a fort of some strength, and planted some roots, a portion of which partially matured. A few of these pioneers, under the lead of President Young, returned to the Missouri river the same fall, leaving a large majority of the pioneers at the lake to plough and plant during the following season. I will remark that a portion of the subsistence of these people during the winter and ensuing year was principally a sago or root shown them by the Indians as an element which would sustain life. The small quantity of cereals and roots which they had carried with them could not be spared for food, but were saved for future seed and crops. The effort required to enable the pioneers to transport their seed-grain and vegetables, with a few crude farming implements, prevented the transportation of food for themselves. No white man, save Colonel James Bridger, a trapper at Fort Bridger, and a mountaineer by the name of Goodyear, was found in the country; consequently the few hardy pioneers—numbering less than 150, planting and preparing for the emigration of the next season—found themselves masters of the country, their only neighbors being the wild and degraded Utah and Shoshone Indians, whose friendship was courted to secure peace, and which policy has ever been continued and found to be wise.

The opinion of Colonel Bridger was expressed to the effect that grain could not be raised in that country, and that the people must starve if they emigrated to the "great basin." Nevertheless, trusting in the providence of God, they were determined to emigrate, not from choice but from compulsion. They looked to Him, the giver of all good, to preserve and protect them.

In 1848, when the great bulk of the emigration of that year reached the valley, they found that much had been raised for their sustenance, and yet quite a percentage of the crops held over for seed. Rations of bread and vegetables were issued and enjoyed. The march of 1848 was attended, as may be supposed, with many hardships. The emigrants were weak and without sufficient transportation; they suffered from a scarcity of provisions and from the toil of the journey; great mortality resulted from disease, old age, and other causes, and it was said that the trail of the Mormons could be followed the year after, (1849,) so plainly did the graves of their dead mark the route they had travelled.

It is worthy of note that during the pilgrimage of 1848, of four months' duration, neither the spinning wheel nor the loom ceased to do its work; and there are now in Utah hundreds of yards of goods, in garments and otherwise, that were spun and woven during that journey of 1,100 miles—the heavy wagon and the slow step of the faithful ox giving the opportunity to spin and weave while the train was in motion. The faithful cow which had given her strength in the yoke furnished milk at night to feed the children drawn by her during the day.

Such, sir, are some of the facts and incidents connected with the journey and history of this peculiar people, whose great interests are now, in some measure, intrusted to your keeping; and now to you, sir, as a statesman of our common country, I appeal with confidence to do my constituents justice. Every charge made against them is refuted by the truth of history.

The first printing press ever taken west of the Missouri was taken by the Mormons and established at Independence in the years 1832-'33. The first printing press in the great basin of the Salt lake, where to-day are published three daily papers, was taken there by the Mormons. The first flag of the United States unfurled in the great interior, save by government troops or government officials, was raised by the Mormons. Well do I know the spot where the first "liberty pole," as pointed out to me, was raised, and from the top of which first floated the stars and stripes when yet the country was, as far as known, Mexican territory. As a proof of the Mormons' love of law and order and the institutions of our country, one of the first acts of the people after reaching their new home was to meet in convention and form a government for their guidance, send a delegate to Washington, and ask the parent government to extend her protect-

ing care over them, although 3,000 miles away from the capital. The year 1849 blessed the new settlement with an abundant harvest, amply sufficient for themselves with strict economy, and something to spare to the many California emigrants who crowded the plains during that season in their march to the golden shores. The want of experience on the part of the emigrants on such journeys, caused a great loss of stock and much sickness. Many fell by the wayside, and those who succeeded in reaching the "great half-way house," as they styled Salt Lake City, were sadly in need of rest, medical treatment, and good nursing. The ill-health of many forced them to remain for awhile, and numerous lives were saved by the careful watching and tender nursing of some good old mother by the bedside of the suffering stranger. Scurvy had also broken out, and for several years Salt Lake City was more or less a hospital during the fall and winter seasons from disease and accidents incident to a long journey. When emigrants became rested and were able to proceed, they exchanged their broken-down stock for fresh animals, recruited their stock of breadstuffs, and having relieved themselves from disease by the free use of fresh vegetables, they went on their way rejoicing. Captain Stansberry says in his report that although food was scarce, it was always divided with the stranger, and at prices never extortionate.

It was in the year 1850 that I emigrated to the Territory in company with Ben. Holliday, with whom I was then associated in business. We carried with us a train of merchandise, but found we had been preceded the previous year by Livingston & Kinkead, who were the pioneer merchants of Utah, and not Mormons, and who amassed large fortunes in trade there.

In 1850 there was not a shingle roof in Salt Lake City, a city now containing 20,000 inhabitants, with its splendid churches, theatres, dwellings, and business houses. It is a remarkable fact that most of the money which has been made, and most of the fortunes which have been realized in the Territory of Utah, in mercantile pursuits previous to 1863, have been made and realized by those who have not been Mormons; and yet I have never known of a farm being opened, a mill built, and very rarely a house erected in the Territory, by any one not a Mormon. Thus it is shown that the Mormons are entitled to the credit of redeeming from the complete sterility in which they found it the now magnificent valleys of the Salt lake. The percentage of population other than Mormons never has, in my opinion, exceeded two and a half per cent. of the whole population. I am expecting, sir, to receive, before I close this crude and imperfect report, a statement from the emigrating agent (now in New York) for the present year, showing, as nearly as can be estimated, the whole population emigrated previous to this year, and also during the present season, with the probable cost of outlay.

I am without official data on which to predicate a statement; and yet, fearing I may not receive the expected official report in time, I venture the following estimates, and believe they will be found to be approximately correct. From 1850 to 1867, inclusive, there has been an average annual emigration from Europe of 2,000 souls—equal to 36,000 in 18 years; and from the States of the Union, say 24,000. I estimate the cost as follows:

From Liverpool to New York, including provisions, 36,000, at \$30 each	\$1, 080, 000
From New York to Missouri, at \$15 each	540, 000
From Missouri to Salt Lake, at \$75 each	2, 700, 000
Provisions from Missouri to Salt Lake	1, 350, 000
American emigrants, 24,000 at \$110 each, including provisions...	2, 640, 000
Grand total	<u>8, 310, 000</u>

The emigration for the present year I place from Europe 4,000 souls, at a probable cost, including provisions, at \$100 each from Liverpool to Salt Lake,

making \$400,000, which added to the above would give \$8,710,000 as the amount expended for emigration. It may be proper, however, to state that at least one-third of these emigrants have been what we term "independent emigration," having emigrated at their own expense. The fund out of which this gigantic work is successfully accomplished is styled the "perpetual emigrating fund," which has been in organized existence for about twenty years, and is composed of donations, tithes, legacies and funds drawn from various other sources both in Europe and America. This fund is kept alive in part by those who have received its benefits repaying, when convenient, the expense incurred in their emigration, in order that others may receive a like benefit. During the present year \$150,000 was contributed to this fund in Salt Lake City alone, to enable others to reach America, and to aid in building up the waste places and to contribute their labor towards the early completion of the great railroad now approaching us both from the east and west. I learn that Governor Young and others have taken large contracts with the Union Pacific Railroad Company, whereby employment is given to thousands of hardy laborers. This great work is soon to be completed, and thus will the people of Utah be brought once more into direct contact with the population of the older sister States of the Union, refuting the false charge that the Mormons are opposed to the construction of this great national highway from which the people anticipate so much good. Already have we constructed 500 miles of electric telegraph, linking together our scattered settlements and affording an opportunity for easy and constant communication.

In referring to the Indian policy of the Territory—that it is cheaper to feed than to fight them—I find that the government of the United States has only paid the small sum of \$75,000 for the suppression of Indian hostilities in Utah since the organization of the Territory, while the Indian wars in Oregon and adjacent States and Territories have cost the federal treasury millions. The supplies of food and forage which the government has drawn from the settlements of Utah, at nominal prices, have saved many millions to the treasury, a fact which cannot be too highly appreciated while determining the advantage which Utah has been to the government. Another important fact to be borne in mind is the material aid afforded, directly and indirectly, by Utah in developing and settling of California, Nevada, Montana and Idaho, and enabling the latter Territories, through the supplies drawn from Utah, to work those rich gold and silver mines which have contributed so largely to the national wealth. It is respectfully suggested, sir, that these great steps in the progress of our country have been greatly and much more rapidly advanced through the efficient aid furnished by Utah from her storehouse of supplies. Without her aid where would have been the overland mail? where the electric wire which now flashes intelligence from ocean to ocean? Nor do I conceive it too much to say that but for the Mormon settlements in Utah, the great Pacific railroad enterprise would to-day have been much further off from completion, and the obstacles to its early opening vastly greater to overcome.

Now, sir, I beg to call your attention to the fact that although the Territory has been settled, as stated, for twenty years, Congress has failed to this day to extend the public land system of the United States to Utah, thus preventing a people who have done so much from availing themselves of the munificent pre-emption and homestead laws enjoyed in the States and other Territories. My constituents have a right to regard such discrimination harsh and unjust, but they are now flattered with the hope that the bill recently passed by the House may be concurred in by the Senate, and rights so long withheld may be awarded them.

It may be well, before passing from the charges against the Mormons, to allude to the one so frequently made that they do not sufficiently honor the courts of justice. This charge, sir, like the others, is without any foundation in truth.

A well regulated and impartial judiciary is regarded as the very foundation of civil government, and Utah has her system of territorial courts as well as those established by the federal government. This charge, it is believed, grows out of the fact that Mormons as a general rule resort to arbitration rather than to litigation for the settlement of disputes. They believe arbitration to be the quickest and cheapest mode of arriving at a result. The courts, however, are open to those who prefer suits at law, and the judgments of these courts are always respected and enforced.

Again it is charged that Utah contains within her population some bad men—criminals, if you please. This is undoubtedly true, and strange would it be if not true. The geographical position of Utah places a “frontier” on each of her borders, and thus situated it would be expected that many desperate characters would intrude. Some, doubtless, have assumed the cloak of religion with which to mask their evil purposes, and crime has been committed; but is it just or liberal to hold the whole people of Utah responsible for crimes committed within her borders by a few? Would any one of the old States be willing to be held to such responsibility? The Mormons, as a people, are perfectly willing to be judged of by the rules applied to other civil communities; but to be held responsible as a people for the crimes committed by a few vile characters, is no more allowable than it would be for the people of Utah to hold the entire population of the United States responsible for the murders and outrages which have been perpetrated on them. This proposition is so plain that it only need be stated to be assented to by every unprejudiced mind.

I beg to call your attention to the accompanying communication from the Hon. George A. Smith, on the subject of irrigation and agricultural resources of Utah. You will perceive that there are many difficulties incident to a system of irrigation where this system is the only one by which agricultural enterprise can succeed. In Utah it is attended with vast expense and labor, and surely no people would leave the valley of the Mississippi from choice, and with a view of tilling a soil productive only by irrigation.

I also invite your attention to the accompanying statement, marked B, showing the population, towns, counties, mills, &c., within the Territory of Utah. These statistics have been prepared from my personal knowledge of the Territory, and the figures will be found below rather than above what an official report would show could a census now be taken. Also statement C gives the number of acres in grain, grass, fruit, and cotton, amounting to 134,000 acres, as taken from the annual message of Governor Durkee, session 1866. Also statement D, which is a list of factories, public buildings, and schools of the Territory. Also statement E, showing the several amounts appropriated for local purposes in the Territory. Also statement F, showing the revenue collected by the federal government for the years 1866, 1867, and part of 1868.

I regret very much that the last message of Governor Durkee, with accompanying documents, reached me in such a damaged condition that I have been unable to lay them before your committee. I have, however, telegraphed for duplicates to be forwarded, and as soon as they are received I shall take pleasure in submitting them.

And now, sir, in conclusion, I beg to ask if it is too much to say, in view of the simple statement of facts I have submitted, that it was designed in the providence of God that the little band of despised and persecuted people who fled to the basin of the Great Salt lake in 1848, should be the humble instruments by which the important events that are now pressing upon this nation should be hastened and secured. The continent has been spanned by an industrious civilization; the oceans have been linked together by a chain of electric wires, soon to be followed by the railroad and steam car; the whole commerce of the world has been revolutionized, and the great current of trade with the east will soon be poured through the very centre of our vast empire. These,

sir, I claim, are but some of the legitimate fruits of Mormon enterprise, courage, industry, and philanthropy; and I ask, is it for these that Utah is now to be condemned?

I have the honor to be, sir, very respectfully, your obedient servant,

W. H. HOOPER,
Delegate, Utah.

Hon. JOHN W. CHANLER.

EXHIBIT L.

THE DOCTRINE AND COVENANTS OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS; CAREFULLY SELECTED FROM THE REVELATIONS OF GOD. BY JOSEPH SMITH, PRESIDENT OF SAID CHURCH. THIRD EDITION. NAUVOO, ILLINOIS: PRINTED BY JOHN TAYLOR, 1845.

Entered according to the act of Congress, in the year 1845, by N. K. Whitney and George Miller, trustees in trust of the Church of Latter Day Saints, in the Clerk's office of the District Court of Illinois.

Lectures on the doctrine of the Church of Jesus Christ of Latter Day Saints, originally delivered before a class of the elders, in Kirtland, Ohio.

LECTURE I.—OF FAITH.

[Page 87.]—THE COVENANTS AND COMMANDMENTS OF THE LORD TO HIS SERVANTS OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS.

SECTION I.—1. Hearken, O ye people of my church, saith the voice of Him who dwells on high, and whose eyes are upon all men; yea, verily, I say, hearken ye people from afar, and ye that are upon the islands of the sea, listen together; for verily the voice of the Lord is unto all men, and there is none to escape; and there is no eye that shall not see, neither ear that shall not hear, neither heart that shall not be penetrated; and the rebellious shall be pierced with much sorrow, for their iniquities shall be spoken upon the house-tops, and their secret acts shall be revealed; and the voice of warning shall be unto all people, by the mouths of my disciples whom I have chosen in these last days; and they shall go forth, and none shall stay them, for I the Lord have commanded them.

[Page 89, paragraph 4.] Wherefore I, the Lord, knowing the calamity which should come upon the inhabitants of the earth, called upon my servant, Joseph Smith, jr., and spake unto him from heaven, and gave him commandments, and also gave commandments to others, that they should proclaim these things unto the world; and all this that it might be fulfilled which was written by the prophets: the weak things of the world shall come forth and break down the mighty and strong ones, that man should not counsel his fellow-man, neither trust in the arm of flesh, but that every man might speak in the name of God the Lord, even the Saviour of the world; that faith also might increase in the earth; that mine everlasting covenant might be established; that the fulness of my gospel might be proclaimed by the weak and the simple, unto the ends of the world, and before kings and rulers.

[Page 91.]—SECTION II.—1. The rise of the church of Christ in these last days, being 1830 years since the coming of our Lord and Saviour Jesus Christ in the flesh, it being regularly organized and established agreeably to the laws of our country, by the will and commandments of God, in the fourth month, and on the sixth day of the month which is called April; which commandments were given to Joseph Smith, jr., who was called of God and ordained an apostle of Jesus Christ, to be the first elder of this church; and to Oliver Cowdery, who was also called of God an apostle of Jesus Christ, to be the second elder of this

church, and ordained under his hand; and this according to the grace of our Lord and Saviour Jesus Christ, to whom be all glory both now and forever. Amen.

2. After it was truly manifested unto this first elder that he had received a remission of his sins he was entangled again in the vanities of the world; but, after repenting, and humbling himself sincerely, through faith, God ministered unto him by an holy angel, whose countenance was a lightning and whose garments were pure and white above all other whiteness, and gave unto him commandments, which inspired him, and gave him power from on high, by means which were before prepared, to translate the book of Mormon, which contains a record of a fallen people, and the fulness of the gospel to Jesus Christ to the Gentiles, and to the Jews also, which was given by inspiration, and is confirmed to others by the ministering of angels, and is declared unto the world by them, proving to the world that the Holy Scriptures are true and that God does inspire men and call them to His holy work in this age and generation, as well as in generations of old, thereby showing that He is the same God yesterday, to-day, and forever. Amen.

3 Therefore, having so great witnesses, by them shall the world be judged, even as many as shall hereafter come to a knowledge of this work; and those who receive it in faith, and work righteousness, shall receive a crown of eternal life; but those who harden their hearts in unbelief, and reject it, it shall turn to their own condemnation, for the Lord God has spoken it; and we, the elders of the church, have heard and bear witness to the words of the Glorious Majesty on high, to whom be glory for ever and ever. Amen.

4. By these things we know that there is a God in heaven, who is infinite and eternal, from everlasting to everlasting, the same unchangeable God, the framer of heaven and earth and all things which are in them; and that he created man, male and female, after his own image and in his own likeness created he them, and gave unto them commandments that they should love and serve Him, the only living and true God, and that He should be the only being whom they should worship. But by the transgression of these holy laws man became sensual and devilish, and became fallen man.

5. Wherefore, the Almighty God gave his only begotten Son, as is written in those Scriptures which have been given of Him. He suffered temptations, but gave no heed unto them; he was crucified, died, and rose again the third day, and ascended unto heaven to sit down on the right hand of the Father, to reign with almighty power according to the will of the Father; that as many as would believe and be baptized in his holy name, and endure in faith to the end, should be saved, not only those who believed after he came in the meridian of time in the flesh, but all those from the beginning, even as many as were before he came, who believed in the words of the holy prophets, who spake as they were inspired by the gifts of the Holy Ghost, which beareth record of the Father and of the Son, which Father, Son, and Holy Ghost are one God, infinite and eternal, without end. Amen.

6. And we know that all men must repent and believe on the name of Jesus Christ and worship the Father in his name, and endure in faith on his name to the end, or they cannot be saved in the kingdom of God. And we know that justification through the grace of our Lord and Saviour Jesus Christ is just and true. And we know also that sanctification through the grace of our Lord and Saviour Jesus Christ is just and true to all those who love and serve God with all their might, mind, and strength. But there is a possibility that man may fall from grace, and depart from the living God. Therefore, let the church take heed and pray always, lest they fall into temptations; yea, and even let those who are sanctified take heed also. And we know that these things are true and according to the revelations of John, neither adding to nor diminishing from the prophecy of his book, the Holy Scriptures, or the revelations of God which

shall come hereafter by the gift and power of the Holy Ghost, the voice of God, or the ministering of angels; and the Lord God has spoken it, and honor, power, and glory be rendered to his holy name, both now and ever. Amen.

7. *And again, by way of commandment to the church concerning the manner of baptism.*

All those who humble themselves before God and desire to be baptized, and come forth with broken hearts and contrite spirits, and witness before the church that they have truly repented of all their sins, and are willing to take upon them the name of Jesus Christ, having a determination to serve him to the end, and truly manifest by their works that they have received of the spirit of Christ unto the remission of their sins, shall be received by baptism into His church.

8. *The duty of the elders, priests, teachers, deacons, and members of the church of Christ.*

An apostle is an elder, and in his calling to baptize and to ordain other elders, priests, teachers, and deacons, and to administer bread and wine, (the emblems of the flesh and blood of Christ,) and to confirm those who are baptized into the church by the laying on of hands for the baptism of fire and the Holy Ghost, according to the Scriptures; and to teach, expound, exhort, baptize, and watch over the church, and to confirm the church by the laying on of the hands and the giving of the Holy Ghost, and to take the lead of all meetings.

9. The elders are to conduct the meetings as they are led by the Holy Ghost, according to the commandments and revelations of God.

10. The priest's duty is to preach, teach, expound, exhort, and baptize, and administer the sacrament, and visit the house of each member and exhort them to pray vocally and in secret, and attend to all family duties. And he may also ordain other priests, teachers, and deacons. And he is to take the lead of meetings when there is no elder present; but when there is an elder present he is only to preach, teach, expound, exhort, and baptize and visit the house of each member, exhorting them to pray, vocally and in secret, and attend to all family duties. In all these duties the priest is to assist the elder, if occasion requires.

11. The teacher's duty is to watch over the church always, and be with and strengthen them, and see that there is no iniquity in the church, neither hardness with each other, neither lying, backbiting nor evil speaking, and see that the church meet together often, and also see that all the members do their duty; and he is to take the lead of meetings in the absence of the elder or priest, and is to be assisted always in all his duties in the church by the deacons, if occasion requires; but neither teachers nor deacons have authority to baptize, administer the sacrament, or lay on hands; they are, however, to warn, expound, exhort, and teach, and invite all to come unto Christ.

12. Every elder, priest, teacher, or deacon is to be ordained to the gifts and callings of God unto him, and he is to be ordained by the power of the Holy Ghost, which is in the one who ordains him.

13. The several elders composing this church of Christ are to meet in conference once in three months or from time to time, as said conferences shall direct or appoint; and said conferences are to do whatever church business is necessary to be done at the time.

14. The elders are to receive their licenses from other elders, by vote of the church to which they belong, or from the conferences.

15. Each priest, teacher, or deacon who is ordained by a priest, may take a certificate from him at the time, which certificate, when presented to an elder, shall entitle him to a license, which shall authorize him to perform the duties of his calling, or he may receive it from a conference.

16. No person is to be ordained to any office in this church, where there is a regularly-organized branch of the same, without the vote of that church; but the presiding elders, travelling bishops, high counsellors, high priests, and eld-

ers may have the privilege of ordaining, where there is no branch of the church, that a vote may be called.

17. Every president of the high priesthood, (or presiding elder,) bishop, high councillor, and high priest, is to be ordained by the direction of a high council, or general conference.

18. *The duty of the members after they are received by baptism.*

The elders or priests are to have a sufficient time to expound all things concerning the church of Christ to their understanding, previous to their partaking of the sacrament, and being confirmed by the laying on of the hands of the elders, so that all things may be done in order. And the members shall manifest before the church, and also before the elders, by a godly walk and conversation, that they are worthy of it; that there may be works and faith agreeable to the holy Scriptures—walking in holiness before the Lord.

19. Every member of the church of Christ having children is to bring them unto the elders before the church, who are to lay their hands upon them in the name of Jesus Christ, and bless them in his name.

20. No one can be received into the church of Christ unless he has arrived unto the years of accountability before God, and is capable of repentance.

21. Baptism is to be administered in the following manner unto all those who repent: The person who is called of God and has authority from Jesus Christ to baptize, shall go down into the water with the person who has presented him or herself for baptism, and shall say, calling him or her by name: Having been commissioned of Jesus Christ, I baptize you in the name of the Father, and of the Son, and of the Holy Ghost; Amen. Then shall he immerse him or her in the water, and come forth again out of the water.

22. It is expedient that the church meet together often to partake of bread and wine in remembrance of the Lord Jesus; and the elder or priest shall administer it; and after this manner shall he administer it: he shall kneel with the church and call upon the Father in solemn prayer, saying: O, God, the Eternal Father, we ask Thee in the the name of Thy Son Jesus Christ to bless and sanctify this bread to the souls of all those who partake of it, that they may eat in remembrance of the body of Thy Son, and witness unto Thee, O God, the Eternal Father, that they are willing to take upon them the name of Thy Son, and always remember Him and keep His commandments which He has given them, that they may always have His spirit to be with them. Amen.

23. The manner of administering the wine: he shall take the cup also, and say: O, God, the Eternal Father, we ask of Thee in the name of Thy Son, Jesus Christ, to bless and sanctify this wine to the souls of all those who drink of it, that they may do it in remembrance of the blood of Thy Son which was shed for them, that they may witness unto Thee, O, God, the Eternal Father, that they do always remember Him, that they may have His spirit to be with them. Amen.

24. Any member of the church of Christ transgressing or being overtaken in a fault, shall be dealt with as the Scriptures direct.

25. It shall be the duty of the several churches composing the church of Christ to send one or more of their teachers to attend the several conferences held by the elders of the church, with a list of the names of the several members uniting themselves with the church since the last conference, or send by the hand of some priest, so that some regular list of all the names of the whole church may be kept in a book, by one of the elders, whoever the other elders shall appoint from time to time; and also, if any have been expelled from the church, so that their names may be blotted out of the general church record of names.

26. All members removing from the church where they reside, if going to a church where they are not known, may take a letter certifying that they are regular members and in good standing, which certificate may be signed by any

elder or priest, if the member receiving the letter is personally acquainted with the elder or priest, or it may be signed by the teachers, or deacons of the church.
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[Page 430] SECTION CVII.—*Revelation given at Far West, Missouri, July 8, 1838.*

In answer to the question, O, Lord, shew unto Thy servants how much Thou requirest of the properties of Thy people for a tithing?

1. Verily thus saith the Lord, I require all their surplus property to be put into the hands of the bishop of my church of Zion, for the building of mine house, and for the laying the foundation of Zion, and for the priesthood, and for the debts of the presidency of my church; and this shall be the beginning of the tithing of my people; and after that, those who have thus been tithed shall pay one-tenth of all their interest annually, and this shall be a standing law unto them forever, for my holy priesthood, saith the Lord.

2. Verily I say unto you, it shall come to pass, that all those who gather unto the land of Zion shall be tithed of their surplus properties, and shall observe this law, or they shall not be found worthy to abide among you. And I say unto you, if my people observe not this law, to keep it holy, and by this law sanctify the land of Zion unto me, that my statutes and my judgments may be kept thereon, that it may be most holy: behold, verily I say unto you, it shall not be a land of Zion unto you; and this shall be an example unto all the states of Zion: even so. Amen.

[Page 438.] SECTION CIX.—*Marriage.*

1. According to the custom of all civilized nations, marriage is regulated by laws and ceremonies; therefore we believe that all marriages in this church of Christ or Latter Day Saints, should be solemnized in a public meeting, or feast, prepared for the purpose. * * * *

4. All legal contracts of marriage made before a person is baptized into this church should be held sacred and fulfilled. Inasmuch as this church of Christ has been reproached with the crime of fornication and polygamy, we declare that we believe that one man should have one wife; and one woman but one husband, except in case of death, when either is at liberty to marry again.

[Page 175.] SECTION XIV.—*A revelation given February, 1831.*

1. O hearken, ye elders of my church, and give an ear to the words which I shall speak unto you, for behold, verily, verily I say unto you that ye have received a commandment for a law unto my church, through him whom I have appointed unto you to receive commandments and revelations from my hand. And this ye shall know assuredly, that there is none other appointed unto you to receive commandments and revelations until he be taken, if he abide in me.

2. But verily, verily I say unto you, that none else shall be appointed unto this gift except it be through him, for if it be taken from him he shall not have power, except to appoint another in his stead, and this shall be a law unto you, that ye receive not the teachings of any that shall come before you as revelations or commandments, and this I give unto you, that you may not be deceived, that you may know they are of me. For verily I say unto you, that he that is ordained of me shall come in at the gate and be ordained as I have told you before, to teach those revelations which you have received, and shall receive through him whom I have appointed.

3. And now behold I give unto you a commandment, that when ye are assembled together ye shall instruct and edify each other, that ye may know

how to act and direct my church, how to act upon the points of my law and commandments, which I have given, and thus ye shall become instructed in the law of my church, and be sanctified by that which you have received, and ye shall bind yourselves to act in all holiness before me, that inasmuch as ye do this, glory shall be added to the kingdom which ye have received. Purge ye out the iniquity which is among you, sanctify yourselves before me, and if ye desire the glories of the kingdom appoint ye my servant, Joseph Smith, jr., and uphold him before me by the prayer of faith. And again, I say unto you, that if ye desire the mysteries of the kingdom provide for him food, and raiment, and whatsoever thing he needeth to accomplish the work wherewith I have commanded him, and if ye do it not he shall remain unto them that have received him, and if ye received him, that I may reserve unto myself a pure people before me.

4. Again I say, hearken ye elders of my church whom I have appointed, ye are not sent forth to be taught, but to teach the children of men the things which I have put into your hands by the power of my Spirit, and ye are taught from on high, sanctify yourselves and ye shall be endowed with power that ye may give even as I have spoken.

5. Hearken ye, for behold the great day of the Lord is nigh at hand. For the day cometh that the Lord shall utter his voice out of heaven, the heavens shall shake and the earth shall tremble, and the trump of God shall sound both long and loud, and shall say to the sleeping nations: Ye saints, arise and live; ye sinners, stay and sleep until I shall call again; wherefore gird up your loins lest ye be found among the wicked. Lift up your voices and spare not. Call upon the nations to repent, both old and young, both bond and free, saying: prepare yourselves for the great day of the Lord, for if I, who am a man, do lift up my voice and call upon you to repent, and ye hate me, what will ye say when the day cometh when the thunders shall utter their voices from the ends of the earth, speaking to the ears of all that live, saying: Repent and prepare for the great day of the Lord! Yea, and again, when the lightnings shall streak forth from the east unto the west, and shall utter forth their voices unto all that live, and make the ears of all tingle that hear, saying these words: Repent ye, for the great day of the Lord is come!

6. And again, the Lord shall utter his voice out of heaven, saying: Hearken, O ye nations of the earth, and hear the words of that God who made you. O, ye nations of the earth, how often would I have gathered you together as a hen gathered her chickens under her wings, but ye would not! How often have I called upon you by the mouth of my servants, and by the ministering of angels, and by mine own voice, and by the voice of thunderings, and by the voice of lightnings, and by the voice of tempests, and by the voice of famines, and pestilences of every kind, and by the great sound of a trump, and by the voice of judgment, and by the voice of glory and honor, and the riches of eternal life, and would have saved you with an everlasting salvation, but ye would not. Behold the day has come when the cup of the wrath of my indignation is full.

7. Behold, verily I say unto you that these are the words of the Lord your God; wherefore labor ye in my vineyard for the last time; for the last time call upon the inhabitants of the earth, for in my own due time will I come upon the earth in judgment, and my people shall be redeemed and shall reign with me on earth; for the great millennial, which I have spoken by the mouth of my servants, shall come; for Satan shall be bound, and when he is loosed again he shall only reign for a little season, and then cometh the end of the earth; and he that liveth in righteousness shall be changed in the twinkling of an eye; and the earth shall pass away so as by fire; and the wicked shall go away into unquenchable fire, and their end no man knoweth on earth, nor ever shall know until they come before me in judgment.

8. Hearken ye to these words; behold I am Jesus Christ, the Saviour of the

world. Treasure these things up in your hearts, and let the solemnities of eternity rest upon your minds. Be sober. Keep all my commandments; even so Amen.

[Page 209.] SECTION XXI.—*Revelation given in Kirtland, September, 1831.*

1. Behold, thus saith the Lord your God unto you. O, ye elders of my church, hearken ye, and hear and receive my will concerning you, for verily I say unto you, I will that ye should overcome the world; wherefore I will have compassion upon you. There are those among you who have sinned; but verily I say for this once, for mine own glory and for the salvation of souls, I have forgiven you your sins.

2. I will be merciful unto you, for I have given unto you the kingdom; and the keys of the mysteries of the kingdom shall not be taken from my servant, Joseph Smith, junior, through the means I have appointed, while he liveth, inasmuch as he obeyed mine ordinances. There are those who have sought occasion against him without cause; nevertheless he has sinned, but verily I say unto you, I, the Lord, forgiveth sins unto those who confess their sins before me, and ask forgiveness, who have not sinned unto death. My disciples, in days of old, sought occasion against one another, and forgave not one another in their hearts, and for this evil they were afflicted and sorely chastened; wherefore I say unto you that ye ought to forgive one another, for he that forgiveth not his brother his trespasses standeth condemned before the Lord, for there remaineth in him the greater sin. I, the Lord, will forgive whom I will forgive, but of you it is required to forgive all men; and ye ought to say in your hearts let God judge between me and thee, and reward thee according to thy deeds. And he that repenteth not of his sins, and confesseth them not, then ye shall bring him before the church, and do with him as the Scriptures saith unto you, either by commandment or by revelation. And this ye shall do that God might be glorified, not because ye forgive not, having not compassion, but that ye may be justified in the eyes of the law, that ye may not offend him who is your lawgiver.

3. Verily I say for this cause ye shall do these things. Behold, I, the Lord, was angry with him who was my servant, Ezra Booth, and also my servant, Isaac Morley; for they kept not the law, neither the commandments; they sought evil in their hearts, and I, the Lord, withheld my Spirit. They condemned for evil that thing in which there was no evil; nevertheless I have forgiven my servant Isaac Morley; and also my servant Edward Partridge, behold he hath sinned, and Satan seeketh to destroy his soul, but when these things are made known unto them they repent of the evil, and they shall be forgiven.

4. And now verily I say that it is expedient in me that my servant Sidney Gilbert, after a few weeks, should return upon his business and to his agency in the land of Zion, and that which he hath seen and heard may be made known unto my disciples, that they perish not. And for this cause have I spoken these things. And again I say unto you, that my servant Isaac Morley may not be tempted above that which he is able to bear and counsel wrongfully to your hurt, I gave commandment that this farm should be sold. I willed not that my servant Frederick G. Williams should sell his farm, for I the Lord willeth to retain a strong hold in the land of Kirtland for the space of five years, in the which I will not overthrow the wicked, that thereby I may save some, and after that day I the Lord will not hold any guilty that shall go with an open heart up to the land of Zion, for I the Lord requireth the hearts of the children of men.

5. Behold now it is called to-day, (until the coming of the Son of Man,) and verily it is a day of sacrifice, and a day for the tithing of my people; for he that is tithed shall not be burned, (at his coming,) for after to-day cometh the

burning. This is speaking after the manner of the Lord, for verily I say to-morrow all the proud and they that do wickedly shall be as stubble, and I will burn them up; for I am the Lord of Hosts, and I will not spare any that remaineth in Babylon. Wherefore, if ye believe me, ye will labor while it is called to-day. And it is not meet that my servants Newel K. Whitney and Sidney Gilbert should sell their store and their possessions here, for this is not wisdom until the residue of the church, which remaineth in this place, shall go up unto the land of Zion.

6. Behold it is said in my laws, or forbidden, to get in debt to thine enemies; but behold it is not said at any time that the Lord should not take when he please, and pay as seemeth him good; wherefore, as ye are agents, and ye are on the Lord's errand, and whatever ye do according to the will of the Lord, in the Lord's business, and he hath set you to provide for his saints in these last days, that they may obtain an inheritance in the land of Zion; and behold, I the Lord declare unto you, and my words are sure and shall not fail, that they shall obtain it; but all these things must come to pass in their time; wherefore be not weary in well doing, for ye are laying the foundation of a great work. And out of small things proceedeth that which is great.

7. Behold the Lord requireth the heart and a willing mind, and the willing and obedient shall eat the good of the land of Zion in these last days; and the rebellious shall be cut off out of the land of Zion, and shall be sent away and shall not inherit the land; for verily I say that the rebellious are not of the blood of Ephraim, wherefore they shall be plucked out. Behold, I the Lord have made my church in these last days, like unto a judge sitting on an hill, or in a high place, to judge the nations; for it shall come to pass that the inhabitants of Zion shall judge all things pertaining to Zion, and liars and hypocrites shall be proved by them, and they who are not apostles and prophets shall be known.

8. And even the bishop, who is a judge, and his counsellors, if they are not faithful in their stewardships, shall be condemned, and others shall be planted in their stead; for behold I say unto you that Zion shall flourish, and the glory of the Lord shall be upon her, and she shall be an ensign unto the people, and there shall come unto her out of every nation under heaven. And the day shall come when the nations of the earth shall tremble because of her, and shall fear because of her terrible ones. The Lord hath spoken it. Amen.

[Page 228.] SECTION XXIX.—*Revelation to Joseph Smith, jr., and Sidney Rigdon, January, 1832. The word of the Lord unto them concerning the elders of the church of the living God, established in the last days, making known the will of the Lord unto the elders, what they shall do until conference.*

1. For verily thus saith the Lord, it is expedient in me that they should continue preaching the gospel, and in exhortation to the churches, in the regions round about until conference; and then behold it shall be made known unto them, by the voice of the conference, their several missions.

2. Now verily I say unto you, my servants Joseph Smith, jr., and Sidney Rigdon, saith the Lord, it is expedient to translate again, and inasmuch as it is practicable, to preach in the regions round about until conference, and after that, it is expedient to continue the work of translation until it be finished. And let this be a pattern unto the elders until further knowledge, even as it is written. Now I give no more unto you at this time. Gird up your loins and be sober; even so. Amen.

[Page 229.] SECTION XXX.—*Revelation to Joseph Smith, jr., given July, 1828, concerning certain manuscripts on the first part of the book of Mormon, which had been taken from the possession of Martin Harris.*

1. The works, and the designs, and the purposes of God, cannot be frustrated; neither can they come to nought, for God doth not walk in crooked paths; neither doth he turn to the right hand nor to the left; neither doth he vary from that which he hath said; therefore his paths are straight and his course is one eternal round.

2. Remember, remember, that it is not the work of God that is frustrated, but the work of man; for although a man may have many revelations and have power to do many mighty works, yet, if he boasts in his own strength, and sets at nought the counsels of God, and follows after the dictates of his own will and carnal desires, he must fall and incur the vengeance of a just God upon him.

3. Behold, you have been entrusted with these things, but how strict were your commandments; and remember, also the promises which were made unto you if you did not transgress them; and behold how oft you have transgressed the commandments and the laws of God, and have gone on in the persuasions of men; for behold, you should not have feared man more than God, although men set at nought the counsels of God and despise his words, yet you should have been faithful and he would have extended his arm and supported you against all the fiery darts of the adversary; and he would have been with you in every time of trouble.

4. Behold thou art Joseph, and thou were chosen to do the work of the Lord, but because of transgression, if thou art not aware thou wilt fall, but remember God is merciful; therefore, repent of that which thou hast done which is contrary to the commandment which I gave you, and thou art still chosen, and art again called to work; except thou do this, thou shalt be delivered up and become as other men, and have no more gift.

5. And when thou deliveredst up that which God had given thee sight and power to translate, thou deliveredst up that which was sacred into the hands of a wicked man, who has set at nought the counsels of God, and has broken the most sacred promises, which were made before God, and has depended upon his own judgment, and boasted in his own wisdom; and this is the reason that thou hast lost thy privileges for a season, for thou hast suffered the counsel of thy director to be trampled upon from the beginning.

6. Nevertheless my work shall go forth, for inasmuch as the knowledge of the Savior has come unto the world through the testimony of the Jews, even so shall the knowledge of a Savior come unto my people; and to the Nephites, and the Jacobites, and the Josephites, and the Toramites, through the testimony of their fathers; and this testimony shall come to the knowledge of the Lamanites, and the Lemuelites, and the Ishmaelites, who dwindled in unbelief because of the iniquity of their fathers, whom the Lord has suffered to destroy their brethren the Nephites, because of their iniquities and their abominations; and for this very purpose are these plates reserved which contain these records, that the promises of the Lord might be fulfilled which he made to his people, and that the Lamanites might come to the knowledge of their fathers, and that they might know the promises of the Lord, and that they may believe the gospel and rely upon the merits of Jesus Christ, and be glorified through faith in his name, and that through their repentance they might be saved. Amen.

[Page 254.] SECTION XLII.—*Revelation given to Oliver Cowdery, David Whitmer, and Martin Harris, June, 1829; given previous to their viewing the plates containing the book of Mormon.*

1. Behold I say unto you that you must rely upon my word, which if you do with full purpose of heart, you shall have a view of the plates, and also

of the breastplate, the sword of Laban, the urim and thummim, which were given to the brother of Jared upon the mount, when he talked with the Lord face to face, and the miraculous directors which were given to Levi while in the wilderness, on the borders of the Red sea, and it is by your faith that you shall obtain a view of them, even by that faith which was had by the prophets of old.

2. And after you have obtained faith, and have seen them with your eyes, you shall testify of them, by the power of God; and this you shall do that my servant, Joseph Smith, jr., may not be destroyed, that I may bring about my righteous purposes unto the children of men, in this work. And ye shall testify that ye have seen them, even as my servant, Joseph Smith, jr., has seen them; for it is by my power that he has seen them, and it is because he had faith; and he has translated the book, even that part which I have commanded him, and as your Lord and your God liveth it is true.

3. Wherefore you have received the same power, and the same faith, and the same gift, like unto him; and if you do these last commandments of mine which I have given you, the gates of hell shall not prevail against you, for my grace is sufficient for you, and you shall be lifted up at the last day. And I, Jesus Christ, your Lord and your God, have spoken it unto you, that I might bring about my righteous purposes unto the children of men. Amen.

[Page 265.] SECTION XLVI.—*Revelation to Joseph Smith, jr., given April 6, 1830.*

1. Behold there shall be a record kept among you, and in it thou shalt be called a seer, a translator, a prophet, an apostle of Jesus Christ, an elder of the church, through the will of God the Father, and the grace of your Lord Jesus Christ; being inspired of the Holy Ghost to lay the foundation thereof, and to build it up unto the most holy faith; which church was organized and established in the year of your Lord eighteen hundred and thirty, in the fourth month, and in the sixth day of the month, which is called April.

2. Wherefore, meaning the church, thou shalt give heed unto all his words and commandments which he shall give unto you, as he receiveth them, walking in all holiness before me; for his word ye shall receive, as if from my own mouth, in all patience and faith; for by doing these things, the gates of hell shall not prevail against you; yea, and the Lord God will disperse the powers of darkness from before you, and cause the heavens to shake for your good and his name's glory. For thus saith the Lord God, him have I inspired to move the cause of Zion in mighty power for good; and his diligence I know, and his prayers I have heard; yea, his weeping for Zion I have seen; and I will cause that he shall mourn for her no longer, for his days of rejoicing are come unto the remission of his sins, and the manifestations of my blessings upon his works.

3. For behold, I will bless all those who labor in my vineyard with a mighty blessing, and they shall believe on his words, which are given him, through me, by the Comforter, which manifesteth that Jesus was crucified by sinful men for the sins of the world; yea, for the remission of sins unto the contrite heart. Wherefore, it behooveth me that he should be ordained by you, Oliver Cowdery, mine apostle; this being an ordnance unto you, that you are an elder under his hand, he being the first unto you, that you might be an elder unto the church of Christ, bearing my name, and the first preacher of this church unto the church and before the world; yea, before the Gentiles; yea, and thus saith the Lord God, Lo, lo, to the Jews also. Amen.

[Page 288.] SECTION LXIII.—*Revelation to Joseph Smith, jr., and John Whitmer, given to appoint J. Whitmer historian, March, 1831.*

1. Behold, it is expedient in me that my servant John should write and keep a regular history, and assist you, my servant Joseph, in transcribing all things

which shall be given you, until he is called to further duties. Again, verily I say unto you, that he can also lift up his voice in meetings whenever it shall be expedient.

2. And again I say unto you, that it shall be appointed unto him to keep the church record and history continually, for Oliver Cowdery I have appointed to another office. Wherefore it shall be given him, inasmuch as he is faithful, by the Comforter, to write these things; even so. Amen.

[Page 292.] SECTION LXVI.—*Revelation given June, 1831, to the elders to go to Missouri.*

1. Behold, thus saith the Lord unto the elders whom he has called and chosen, in the last days, by the voice of His Spirit, saying, I the Lord will make known unto you what I will that ye shall do from this time until the next conference, which shall be held in Missouri, upon the land which I will consecrate unto my people, which are a remnant of Jacob, and them who are heirs according to the covenant.

2. Wherefore, verily I say unto you, let my servant Joseph Smith, jr., and Sidney Rigdon, take their journey, as soon as preparation can be made to leave their homes, and journey to the land of Missouri. And inasmuch as they are faithful unto me, it shall be made known what they shall do; and it shall also, inasmuch as they are faithful, be made known unto them the land of their inheritance. And inasmuch as they are not faithful, they shall be cut off, even as I will, as seemeth me good.

3. And again, verily I say unto you, let my servant Lyman Wight and my servant John Corril take their journey speedily; and also my servant John Murdock and my servant Hiram Smith take their journey unto the same place, by way of Detroit. And let them journey from thence, preaching the word by the way, saying none other things than that which the prophets and apostles have written and that which is taught them by the Comforter, through the prayer of faith. Let them go two by two, and thus let them preach by the way in every congregation, baptizing by water and the laying on of hands, by the water's side, for thus saith the Lord, I will cut my work short in righteousness, for the days cometh that I will send forth judgment unto victory. And let my servant Lyman Wight beware, for Satan desireth to sift him as chaff.

4. And behold he that is faithful shall be made ruler over many things. And again, I will give unto you a pattern in all things, that ye may not be deceived, for Satan is abroad in the land, and he goeth forth deceiving the nations; wherefore he that prayeth, whose spirit is contrite, whose language is meek, and edifieth, the same is of God, if he obey mine ordinances. And again, he that trembleth under my power shall be made strong, and shall bring forth fruits of praise and wisdom, according to the revelations and truths which I have given you.

5. And again, he that is overcome and bringeth not forth fruits, even according to his pattern, ye shall know the spirit in all cases, under the whole heavens. And the days have come, according to men's faith it shall be done unto them. Behold this commandment is given unto all the elders whom I have chosen. And again, verily I say unto you, let my servant Thomas B. March, and my servant Ezra Thayer, take their journey also, preaching the word by the way, unto this same land. And again, let my servant Isaac Morley, and my servant Ezra Booth, take their journey, also a preaching the word by the way unto the same land.

6. And again, let my servants Edward Partridge and Martin Harris take their journey with my servants Sidney Rigdon and Joseph Smith, jr.; let my servants David Whitmer and Harvy Whitlock also take their journey, and preach by the way unto this same land. Let my servants Parley P. Pratt and

Orson Pratt take their journey, and preach by the way, even unto this same land. And let my servants Solomon Hancock and Simeon Carter also take their journey unto this same land, and preach by the way. Let my servants Edson Fuller and Joseph Scott also take their journey. Let my servants Levi Hancock and Zebedee Colsein also take their journey. Let my servants Reynolds Cahoon and Samuel H. Smith also take their journey. Let my servants Wheeler Baldwin and William Carter also take their journey.

7. And let my servants Newel Knight and Selah J. Griffin both be ordained and also take their journey; yea, verily I say, let all these take their journey unto one place, in their several courses, and one man shall not build upon another's foundation, neither journey in another's track. He that is faithful, the same shall be kept and blessed with much fruit.

8. And again, I say unto you, let my servants Joseph Wakefield and Solomon Humphrey take their journey into the eastern lands. Let them labor with their families, declaring none other things than the prophets and apostles, that which they have seen, and heard, and most assuredly believe, that the prophecies may be fulfilled. In consequence of transgression, let that which was bestowed upon Herman Basset be taken from him, and placed upon the head of Simonds Rider.

9. And again, verily I say unto you, let Jared Carter be ordained a priest, and also George James to be ordained a priest. Let the residue of the elders watch over the churches, and declare the word in the regions among them. And let them labor with their own hands, that there be no idolatry nor wickedness practiced. And remember in all things the poor and the needy, the sick and the afflicted, for he that doeth not these things, the same is not my disciple. And again, let my servants Joseph Smith, jr., and Sidney Rigdon, and Edward Partridge, take with them a recommend from the church. And let there be one obtained for my servant Oliver Cowdery also, and thus, even as I have said, if ye are faithful, ye shall assemble yourselves together to rejoice upon the land of Missouri; which is the land of your inheritance, which is now the land of your enemies. But, behold, I the Lord will hasten the city in its time, and will crown the faithful with joy and with rejoicing. Behold, I am Jesus Christ the Son of God, and I will lift them up at the last days; even so. Amen.

[Page 394.] *Revelation given to Joseph Smith, January 19, 1841.*

This revelation, comprising 14 printed pages, contains a large number of instructions to certain persons, ordering them to build houses, open stores, etc.

[Page 444.] SECTION CXI.—*Martyrdom of Joseph Smith and his brother Hiram.*

1. To seal the testimony of this book and the Book of Mormon, we close with the martyrdom of Joseph Smith, the prophet, and Hiram Smith, the patriarch. They were shot in Carthage jail, on the 27th of June, 1844, about 5 o'clock p. m., by an armed mob, painted black, of from 150 to 200 persons. Hiram was shot first, and fell, calmly exclaiming, "I am a dead man!" Joseph leaped from the window, and was shot dead in the attempt, exclaiming, "O Lord my God!" They were both shot after they were dead in a brutal manner, and both received four balls.

2. John Taylor and Williard Richards, two of the Twelve, were the only persons in the room at the time. The former was wounded in a savage manner, with four balls, but has since recovered; the latter, through the promises of God, escaped "without even a hole in his robe."

3. Joseph Smith, the prophet and seer of the Lord, has done more (save Jesus only) for the salvation of men in this world than any other man that ever lived in it. In the short space of twenty years he has brought forth the Book of

Mormon, which he translated by the gift and power of God, and has been the means of publishing it on two continents; has sent the fulness of the everlasting gospel which it contained to the four quarters of the earth; has brought forth the revelations and commandments which compose this book of doctrine and covenants, and many other wise documents and instructions for the benefit of the children of men; gathered many thousands of the Latter-day Saints; founded a great city, and left a fame and name that cannot be slain. He lived great, and he died great in the eyes of God and his people, and like most of the Lord's annointed in ancient times, has sealed his mission and his works with his own blood, and so has his brother Hiram. In life they were not divided, and in death they were not separated.

4. When Joseph went to Carthage to deliver himself up to the pretended requirements of the law, two or three day previous to his assassination, he said: "I am going like a lamb to the slaughter; but I am calm as a summer's morning; I have a conscience void of offence towards God and towards all men. *I shall die innocent, and it shall yet be said of me, 'He was murdered in cold blood!'*" The same morning after Hiram had made ready to go—shall it be said to the slaughter? yes, for so it was—he read the following paragraph near the close of the fifth chapter of Esther, in the Book of Mormon, and turned down the leaf upon it:

5. "And it came to pass that I prayed unto the Lord that He would give unto the Gentiles grace that they might have charity. And it came to pass that the Lord said unto me, if they have not charity it mattereth not unto you; thou hast been faithful, wherefore thy garments are clean. And because thou hast seen thy weakness thou shalt be made strong, even unto the sitting down in the place which I have prepared in the mansions of my Father. And now I, —, bid farewell unto the Gentiles, yea, and also unto my brethren whom I love, until we shall meet before the judgment seat of Christ, where all men shall know that my garments are not spotted with your blood." The testators are now dead and their testament is in force.

6. Hiram Smith was 44 years old last February, and Joseph Smith was 38 last December, and henceforward their names will be classed among the martyrs of religion; and the reader in every nation will be reminded that the Book of Mormon and this Book of Doctrine and Covenants of the church cost the best blood of the 19th century to bring it forth for the salvation of a ruined world. And that if the fire can scathe a green tree for the glory of God, how it will burn up the "dry trees" to purify the vineyard of corruption. They lived for glory; they died for glory; and glory is their eternal reward. From age to age shall their names go down to posterity as gems for the sanctified.

7. They were innocent of any crimes, as they had often been proved before, and were only confined in jail by the conspiracy of traitors and wicked men, and their *innocent blood* on the floor of Carthage jail is a broad seal affixed to Mormonism that cannot be rejected by any court on earth; and their *innocent blood* on the escutcheon of the State of Illinois, with the broken faith of the State as pledged by the governor, is a witness to the truth of the everlasting gospel that all the world cannot impeach; and their *innocent blood* on the banner of liberty and on the magna charta of the United States is an ambassador for the religion of Jesus Christ that will touch the hearts of honest men among all nations; and their *innocent blood*, with the innocent blood of all the martyrs under the altar that John saw, will cry unto the Lord of Hosts till he avenges that blood on the earth. Amen.

EXHIBIT M.

CONSTITUTION OF 1638, OF CONNECTICUT.

Forasmuch as it hath pleased the Almighty God, by the wise disposition of His Divine Providence, so to order and dispose of things that we, the inhabitants and residents of Windsor, Hartford, and Weathersfield, are now cohabiting, and dwelling in and upon the river of Connecticut, and the lands thereunto adjoining, and well knowing when a people are gathered together, the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent government established according to God, to order and dispose of the affairs of the people at all seasons, as occasion shall require; do therefore associate and conjoin ourselves to be as one public State or commonwealth, and do for ourselves and our successors, and such as shall be adjoined to us at any time hereafter, enter into combination and confederation together, to maintain and preserve the liberty and purity of the gospel of our Lord Jesus, which we now profess, as also the discipline of the churches, which, according to the truth of the said gospel, is now practiced among us; as also in our civil affairs to be guided and governed according to such laws, rules, orders, and decrees, as shall be made, ordered, and decreed, as follows:

It is ordered, sentenced, and decreed, That there shall be yearly two general assemblies or courts; the one the second Thursday in April, the other the second Thursday in September following. The first shall be yearly chosen, from time to time, so many magistrates and other public officers as shall be found requisite, whereof one to be chosen governor for the year ensuing, and until another be chosen, and no other magistrate to be chosen for more than one year: *Provided, always,* There be six chosen besides the governor which being chosen and sworn according to an oath recorded for that purpose, shall have power to administer justice according to the laws here established, and for want thereof, according to the rule of the word of God. (See Blue Laws of Connecticut, 1638-'39, pp. 11 and 12.)

Forasmuch as the free fruition of such liberties, immunities, privileges, as humanity, civility, and Christianity call for, as due to every man in his place and proportion, without impeachment and infringement, hath ever been and ever will be the tranquility and stability of the churches and commonwealths: and the denial or deprival thereof, the disturbance, if not ruin of both:

It is thereof ordered by this court, and authority thereof, That no man's life shall be taken away; no man's honor or good name shall be stained; no man's person shall be arrested, restrained, banished, dismembered, nor any way punished; no man shall be deprived of his wife or children; no man's goods or estate shall be taken away from him nor any ways indamaged, under color of law, or countenance of authority, unless it be by the virtue or equity of some express law of the country warranting the same, established by a general court and sufficiently published, or in case of the defect of a law, in any particular case, by the word of God. (See Blue Laws of Connecticut, 1638-'39, pp. 18 and 19.)

1. If any man, after legal conviction, shall have or worship any other God but the Lord God, he shall be put to death. (Deut. 13, 6—17, 2.—Exodus 22, 20.)

14. If any man have a stubborn and rebellious son of sufficient years and understanding, viz, sixteen years of age, which will not obey the voice of his father or the voice of his mother, and that when they have chastened him will not hearken unto them, then may his father and mother, being his natural parents, lay hold on him and bring him to the magistrates assembled in court, and testify unto them, that their son is stubborn and rebellious and will not obey their voice and chastisement, but lives in sundry notorious crimes, such a son shall be put to death. (Deut. 21, 20, 21. See Blue Laws of Connecticut, 1638-'39, pp. 28, 29.)

Forasmuch as the open contempt of God's word, and messengers thereof, is the desolating sin of civil states and churches, and that the preaching of the word by those whom God doth send is the chief ordinary means ordained by God for the converting, edifying, and saving the souls of the elect, through the presence and power of the Holy Ghost thereunto promised; and that the ministry of the word is set up by God in his churches for those holy ends; and according to the respect or contempt of the same, and of those whom God hath set apart for his own work and employment the weal or woe of all Christian states, is much furthered and promoted:

It is therefore ordered and decreed, That if any Christian, so-called, within this jurisdiction, shall contemptuously bear himself towards the word preached or the messengers that are called to dispense the same in any congregation, when he doth faithfully execute his service and office therein, according to the will and word of God, either by interrupting him in his preaching or by charging him falsely with an error which he hath not taught in the open face of the church, or, like a son of Korah, cast upon his true doctrine or himself any reproach to the dishonor of the Lord Jesus, who hath sent him, and to the disparagement of that his holy ordinance, and making God's ways contemptible and ridiculous, that every such person or persons, whatsoever censure the church may pass, shall, for the first scandal, be corrected and reprov'd openly by the magistrates at some lecture, and bound to their good behavior; and if a second time they break forth into the like contemptuous carriages, they

shall either pay five pounds to the public treasure, or stand two hours openly upon a block or stool four feet high, upon a lecture day, with a paper fixed on his breast written with capital letters, "An open and obstinate contemner of God's holy ordinances," that others may fear and be ashamed of breaking out into the like wickedness.

It is ordered and decreed by this court and authority thereof, That wheresoever the ministry of the word is established according to the order of the gospel throughout this jurisdiction, every person shall duly resort and attend thereunto respectively upon the Lord's day, and upon such public meeting, five shillings. All such offences to be heard and determined by any one magistrate or more from time to time. (See Blue Laws Conn., 1638-'39, pp. 43, 44.)

Forasmuch as the peace and prosperity of churches and members thereof, as well as civil rights and liberties are carefully to be maintained:

It is ordered by this court and decreed, That the civil authority here established hath power and liberty to see the peace, ordinances, and rules of Christ be observed in every church according to his word; as, also, to deal with any church member in a way of civil justice, notwithstanding any church relation, office, or interest, so it be done in a civil and not in an ecclesiastical way, nor shall any church censure degrade, or depose any man from any civil dignity, office, or authority he shall have in the commonwealth. (See Blue Laws Conn., 1638-'39, pp. 44, 45.)

TOBACCO.

Forasmuch as it is observed that many abuses are crept in and committed by frequent taking of tobacco,

It is ordered by the authority of this court that no person under the age of 21 years, nor any other that hath not already accustomed himself to the use thereof, shall take any tobacco until he has brought a certificate, under the hands of some who are approved for knowledge and skill in physic, that it is useful for him; and also that he hath received a license from the court for the same. And for the regulating of those who, either by their former taking it, have, to their own apprehensions, made it necessary to them, or upon due advice are persuaded to the use thereof.

It is ordered that no man within this colony, after the publication hereof, shall take any tobacco publicly in the street, highways, or any barn-yards, or upon training days in any open places, under the penalty of sixpence for each offence against this order in any the particulars thereof, to be paid without gainsaying, upon conviction by the testimony of one witness; that is, without just exception, before any magistrate. And the constables in the several towns are required to make presentment to each particular court of such as they do understand and convict to be transgressors of this order. (See Blue Laws of Connecticut, page 96.)

EXHIBIT V.

[Copy—errors included.]

LATTER-DAY SAINTS EUROPEAN PRINTING PUBLISHING AND EMIGRATION OFFICE.

42, Islington, Liverpool.

June 1, 1868.

EDW. G. ALLEN Esqr (*London*).

Mr. George D. Watt reported most of the discourses. All of our reporters are men. The Journal of Discourses are published by and with the consent of the Church Authorities. The reports are made specially for American & English publications. They are published first in Utah in the "Deseret News," a weekly newspaper, & copied. The Journals are circulated both in America & this country & on the Continent, & are usually published semi-monthly at present; making the twelfth Volume now being published.

We also publish the Millennial Star at this office, a copy of which I send by this post

Yours Truly

F. D. RICHARDS
pr WM. B. PRESTON.

EXHIBIT O.

JOURNAL OF DISCOURSES BY BRIGHAM YOUNG, PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, HIS TWO COUNSELLORS, THE TWELVE APOSTLES, AND OTHERS. REPORTED BY G. D. WATT, AND HUMBLY DEDICATED TO THE LATTER-DAY SAINTS IN ALL THE WORLD. VOL. I. LIVERPOOL: PUBLISHED BY F. D. AND S. W. RICHARDS, 15 WILSON STREET. LONDON: LATTER-DAY SAINTS' BOOK DEPOT, 35 IRWIN STREET, CITY. 1854.

CELESTIAL MARRIAGE.

A discourse delivered by Elder Orson Pratt, in the tabernacle, Great Salt Lake City, August 29, 1852.

[Pages 53, 54.] It is quite unexpected to me, brethren and sisters, to be called upon to address you this forenoon; and still more so, to address you upon the principle which has been named, namely, a plurality of wives.

It is rather new ground for me * * and it is rather new ground to the inhabitants of the United States, and not only to them, but to a portion of the inhabitants of Europe; a portion of them have not been in the habit of preaching a doctrine of this description; consequently we shall have to break up new ground.

It is well known, however, to the congregation before me that the Latter-Day Saints have embraced the doctrine of plurality of wives as a part of their religious faith. It is not, as many supposed, a doctrine embraced by them to gratify the carnal lusts and feelings of man; that is not the object of the doctrine.

We shall endeavor to set forth before this enlightened assembly some of the causes why the Almighty has revealed such a doctrine, and why it is considered a part and portion of our religious faith, and I believe that they will not, under our present form of government, (I mean the government of the United States,) try us for treason for believing and practicing our religious notions and ideas. I think, if I am not mistaken, that the Constitution gives the privilege to all the inhabitants of this country of the free exercise of their religious notions, and the freedom of their faith, and the practice of it. Then, if it can be proven to a demonstration that the Latter-Day Saints have actually embraced, as a part and portion of their religion, the doctrine of a plurality of wives, it is constitutional. And should there ever be laws enacted by this government to restrict them from the free exercise of this part of their religion, such laws must be unconstitutional.

[Pages 60, 61.] I think there is only about one-fifth of the population of the globe that believe in the one-wife system; the other four-fifths believe in the doctrine of a plurality of wives. They have handed it down from time immemorial, and are not half so narrow and contracted in their minds as some of the nations of Europe or America, who have done away with the promises and deprived themselves of the blessings of Abraham, Isaac, and Jacob. The nations do not know anything about the blessings of Abraham; and even those who have only one wife cannot get rid of their covetousness, and get their little hearts large enough to share their property with a numerous family. They are so penurious, and so narrow and contracted in their feelings, that they take every possible care not to have their families large. They do not know what is in the future nor what blessings they are depriving themselves of because of the traditions of their fathers. They do not know that a man's posterity in the eternal worlds are to constitute his glory, his kingdom, and dominion.

[Page 64.] But, says one, how have you obtained this information? By

new revelation. When was it given, and to whom? It was given to our prophet, seer and revelator, Joseph Smith, on the 12th day of July, 1843, only about 11 months before he was martyred for the testimony of Jesus.

[Ibid.] Now let us inquire what will become of those individuals who have this law taught unto them in plainness, if they reject it. (A voice in the stand, "They will be damned.") I will tell you: they will be damned, saith the Lord God Almighty, in the revelation he has given.

JOURNAL OF DISCOURSES BY BRIGHAM YOUNG. VOLUME II.

[Page 75.] THE MARRIAGE RELATIONS.

A lecture by President Orson Hyde, delivered at the general conference, in the tabernacle, Great Salt Lake City, October 6, 1854.

[Page 76.] I have heard it remarked sometimes, by individuals who were not identified or connected with our church, that if they could only be convinced that polygamy was true they would become Mormons at once.

[Page 78.] That we do not wish to sustain our own position upon the corruptions of others, our own position, as it is in the mind and revelations of God. God forbid that our faith should be founded upon the corruptions of the world. Our faith is founded upon the purity of the world for life, and there let it be grounded.

[Page 79.] When God said, Go forth and replenish the earth, it was to replenish the inhabitants of the human species, and make it as it was before. Our first parents, then, were commanded to multiply and replenish the earth, and if the Savior found it his duty to be baptized to fulfil all righteousness, a command of far less importance than that of multiplying his race, (if, indeed, there is any difference in the commandments of Jehovah, for they are all important and all essential,) would he not find it his duty to join in with the rest of the faithful ones in replenishing the earth?

"Mr. Hyde, do you really wish to imply that the immaculate Savior begat children? It is a blasphemous assertion against the purity of the Savior's life, to say the least of it. The holy aspirations that ever ascended from him to his Father would never allow him to have any such fleshly and carnal connections; never—no, never!" This is the general idea; but the Savior never thought it beneath him to obey the mandate of his Father; he never thought this stooping beneath his dignity; he never despised what God had made, for they are bone of his bone and flesh of his flesh; kindred spirits that once basked in rays of immortality and eternal life. When he found them clothed upon and surrounded with the weaknesses of mortal flesh, would he despise them? No! It is true I have seen men who became poor and miserable all at once, and then those who were their friends in the days of their prosperity turn from them, and scarcely deign to bestow them a look, it being too humiliating to associate with them in their poverty. But it was not so with the Savior; he associated with them in other spheres, and when they came here, descending below all things, he did not despise to associate with these same kindred spirits. "Then you really mean to hold to the doctrine that the Savior of the world was married; do you mean to be understood so? And if so, do you mean to be understood that he had more than one wife?"

The Christian world by their prejudices have driven us away from the old Bible, so we must now appeal to the New Testament, for that seems to suit the prejudices of the people; though to me it is all alike, both the Old and the New Testaments, for the scribe that is well instructed brings out of his treasury things both new and old. This is my treasury, or rather it is one of my treasuries, and what I cannot find there I trust will come down from on high and lodge in my heart.

[Page 81.] How was it with Mary and Martha, and other women that followed him? In old times, and it is common in this day, the women, even as Sarah, called their husbands lord. The word lord is tantamount to husband in some languages; master, lord, husband, are about synonymous. In England we frequently hear the wife say, "Where is my master?" She does not mean a tyrant; but as Sarah called her husband lord, she designates hers by the word master. When Mary of old came to the sepulchre on the first day of the week, instead of finding Jesus she saw two angels in white, "And they say unto her, Woman, why weepest thou? She said unto them, Because they have taken away my lord," or husband, "and I know not where they have laid him. And when she had thus said, she turned herself back, and saw Jesus standing, and knew not that it was Jesus. Jesus said unto her, Woman, why weepest thou? whom seekest thou? She, supposing him to be the gardener, saith unto him, Sir, if thou hast borne him hence, tell me where thou hast laid him, and I will take him away. Jesus said unto her, Mary! She turned herself, and said unto him, Rabboni, which is to say master." Is there not here manifested the affection of a wife? These words speak the kindred ties and sympathies that are common to the relation of husband and wife. Where will you find a family so nearly allied by the ties of common religion? "Well," you say, "that appears rather plausible, but I want a little more evidence. I want you to find where it says the Savior was actually married."

[Page 82.] We will turn over to the account of the marriage in Cana of Galilee: And the mother of Jesus was there. * * * And when they wanted wine, the mother of Jesus said unto him, They have no wine. And there were set there six water-pots of stone, after the manner of the purifying of the Jews, containing two or three firkins apiece. Jesus saith unto them, Fill the water-pots with water; and they filled them up to the brim. And he saith unto them, Draw out now and bear unto the governor of the feast. And they bear it. When the ruler of the feast had tasted the water that was made wine, and knew not whence it was, (but the servants knew,) the governor of the feast saith unto the *bridegroom*: "Every man at the beginning doth set forth good wine; and when men have well drunk then that wine which is worse, but thou hast kept the good wine until now."

Gentlemen, that is as plain as the translators dare allow it to go to the world, but the thing is there; it is told; Jesus was the bridegroom at the marriage of Cana of Galilee, and he told them what to do.

JOURNAL OF DISCOURSES BY BRIGHAM YOUNG, PRESIDENT, &c. VOLUME III. LIVERPOOL AND LONDON: 1856.

PLURALITY OF WIVES.

[*Remarks made by President Brigham Young, in the Bowery, Provo, July 14, 1855.*]

[Page 264.] I have a few words to say concerning one item of doctrine that I seldom think of mentioning before a public congregation. I refer to the doctrine pertaining to raising up a royal priesthood to the name of Israel's God, for which purpose the revelation was given to Joseph concerning the right of faithful elders in taking to themselves more than one wife.

[*Ibid.*] Suppose that I had the privilege of having only one wife, I should have had only three sons, for those are all that my first wife bore, whereas I now have buried five sons and have thirteen living.

It is obvious that I could not have been blessed with such a family if I had been restricted to one wife, but by the introduction of this law, I can be the

instrument in preparing tabernacles for those spirits which have to come in this dispensation. Under this law, I and my brethren are preparing tabernacles for those spirits which have been preserved to enter into bodies of honor, and be taught the pure principles of life and salvation, and those tabernacles will grow up and become mighty in the kingdom of our God.

EXHIBIT O.

THE MORMON PROPHET AND HIS HAREM; OR AN AUTHENTIC HISTORY OF BRIGHAM YOUNG, HIS NUMEROUS WIVES AND CHILDREN. BY MRS. E. V. WAITE.

[Page 221.] POLYGAMY.

In the first place, is polygamy reasonable or natural? In pursuing this inquiry the first fact that stares us in the face is the equality in the numbers of the male and female sexes in all countries and in all ages of the world. If polygamy were the natural relation between the sexes, the number of females born into the world would far exceed the number of males. So far from that being the case there is a larger number of males, and the excess about equal to the greater loss of life among males by wars and accidents, thus leaving a substantial equality in the numbers of those living.

The following figures will show the number of males and females in the United States at the close of each of the last five decades:

Year.	Males.	Females.	Excess of males.	Per cent. of excess.
1820.....	4,898,127	4,740,004	158,123	3.2
1830.....	6,529,696	6,336,324	193,372	3.
1840.....	8,688,532	8,380,921	307,611	3.5
1850.....	11,837,665	11,354,215	483,446	4.1
1860.....	16,086,059	15,359,021	727,038	4.5

Thus it will be seen that nature has made no provision for the practice of polygamy in this country; on the contrary, there has continually been an excess of the male population. This fact is owing, in part, to the large excess of males in the immigration from foreign countries. Let us pursue this subject a little further. In 1851 the population of Great Britain and Ireland was, males, 13,537,052; females, 14,082,814; excess of females, 3 per cent. But emigration, and the heavy wars in which that country had been engaged, had been draining off the male population for many years previous.

In Prussia, in 1849, there were then living, males, 8,162,805; females, 8,162,382. The mortality of males is greater than that of females. To compensate for this, more males are born.

In England the excess of male births is five per cent.; in France and Russia six per cent.; in the United States from five to twelve per cent., according to the locality.

If, now, we turn our attention to the Territory of Utah we shall find a similar state of facts. By reference to the United States census of 1850 it will appear that there was, at that time, an excess of males in every county in the Territory, amounting, in the aggregate, to 712; the total number of males being 6,046, and of females, 5,334. The national census of 1860 shows the following result: males, 20,255; females, 20,018.

There has always been in this Territory, as there is in every new country, a scarcity of females. No person, therefore, could take more than one wife without, as a necessary consequence, compelling some other person to live without any.

This subject is placed in a still stronger light by reference to the report of the territorial superintendent of common schools, dated January 14, 1863, and published in the *Deseret News*, vol. xii, No. 31. By that report it appears that the number of boys between the ages of six and eighteen is greater than the number of girls between four and sixteen in every county in the Territory but one. The total, so far as the superintendent has been able to obtain reports, is as follows :

Number of boys between six and eighteen.....	3,950
Number of girls between four and sixteen.....	3,662
Showing an excess of boys to the number of.....	288

The thanks of the public are due to Mr. Campbell for bringing to light facts having so important a bearing on this subject.

Thus it will be seen that in this Territory, as well as in all other parts of the country, has nature failed to make any provision for the practice of polygamy. On the contrary, ever true to herself, even now, after polygamy has been practiced over ten years, during which time it has been openly encouraged, nature is re-establishing her own laws, and maintaining the substantial equality in the numbers of the sexes ; thus placing the seal of condemnation on this practice, and saying, in the plainest language, "Let every man have his own wife, and let every woman have her own husband."

[Page 224.] It need scarcely be asked whether this (polygamy) is an evil. Both reason and history answer the question plainly in the affirmative. In all ages of the world the most enlightened and prosperous nations have been those who sought to refine and elevate woman by the practice of monogamy, or the one-wife system. Witness Egypt, Greece, and Rome among the ancient nations, and among the moderns the United States, Great Britain, France, and other European countries.

[Page 227.] In a former chapter the so-called revelation on celestial marriage has been given, and it was there shown that polygamy was an innovation upon the Mormon religion. I desire now to call the attention of the women of Utah to a few observations on the nature of this pretended revelation, and the circumstances under which it was given to the world. It was, even if given as assumed, kept secret for nine years. Polygamy was privately practiced by the leaders of the church for several years, during which time, according to Brigham's admission, it was not "preached by the elders," and was therefore studiously concealed from new converts. Indeed, not only was it "not preached," but it was strongly denounced during the same period. On the 1st of February, 1844, the following notice appeared in the *Times and Seasons*, the church organ, published at Nauvoo :

[From the *Times and Seasons*, vol. v, p. 423.]

NOTICE.

As we have lately been credibly informed that an elder of the Church of Jesus Christ of Latter-Day Saints, by the name of Hiram Brown, has been preaching polygamy and other false and corrupt doctrines, in the county of Lapeer, and State of Michigan :

This is to notify him and the church in general that he has been cut off from the church for his iniquity, and he is further notified to appear at the special conference on the 6th of April next, to make answer to these charges.

JOSEPH SMITH,
HYRAM SMITH,
Presidents of the Church

This was seven months after the time when, according to Brigham Young and his associates, the revelation concerning celestial marriage had been given to Smith. But here both Joseph and Hiram Smith call polygamy a "false and corrupt doctrine." Can any true follower of Smith, or believer in his divine mission, believe for a moment, in the face of this declaration, that Smith had received any revelation on the 12th of July, 1843, sanctioning polygamy?

Again, six weeks later, Hiram Smith wrote as follows :

[From the Times and Seasons, vol. v, p. 474.]

NAUVOO, March 15, 1844.

To the brethren of the Church of Jesus Christ of Latter-Day Saints, living on China creek, in Hancock county, greeting :

Whereas brother Richard Hewett has called on me to-day to know my views concerning some doctrines that are preached in your place, and states to me that some of your elders say that a man *having a certain priesthood* may have as many wives as he pleases, and that doctrine is taught here, I say unto you that the man teaches *false doctrine*, for there is no such doctrine taught here, neither is there any such thing practiced here; and any man that is found teaching privately or publicly any such doctrine is culpable, and will stand a chance to be brought before the high council, and lose his license and membership also; therefore he had better beware what he is about.

Polygamy was condemned at the general conference of the European churches, in England, during the year 1846, and subsequently.

In July, 1845, Parley P. Pratt, in the "Millennial Star," (vol. vi, p. 22,) published at Liverpool, had denounced the "spiritual-wife doctrine of I. C. Bennett," which was one of the earliest manifestations of polygamy in the church, as a "doctrine of devils," and other "seducing spirits," using this language :

It is but another name for whoredom, wicked and unlawful connection, and every kind of confusion, corruption, and abomination.

In May, 1848, Orson Spencer, then editor of the "Star," used the following language :

In all ages of the church truth has been turned into a lie, and the grace of God converted into lasciviousness, by men who have sought to make "a gain" of godliness, and feed their lusts on the credulity of the righteous and unsuspecting. * * * * * Next to the long-hackneyed and bugaboo whisperings of polygism, is another abomination that sometimes shows its serpentine crests, which we shall call sexual resurrectionism. * * * * * The doctrines of corrupt spirits are always in close affinity with each other, whether they consist in spiritual-wifeism, sexual resurrection, gross lasciviousness, as the unavoidable separation of husbands and wives, or the communion of property.—*Millennial Star*, vol. x, p. 137.

In July, 1850, at a discussion at Boulogne, France, John Taylor, a well-known Mormon apostle, when charged with the belief and practice of this doctrine, said :

We are accused here of polygamy, and actions the most indelicate, obscene, and disgusting, such that none but a corrupt and depraved heart could have contrived. These things are too outrageous to admit of belief. Therefore, leaving the sisters of the "white veil," the "black veil," and all the other veils, with those gentlemen to dispose of, together with their authors, as they think best, I shall content myself by reading our views of chastity and marriage, from a work published by us, containing some of the articles of our faith.—*Taylor's Discussions at Boulogne*, p. 8.

He then read from the Book of Doctrine and Covenants the article on marriage, already quoted from.

Here we have the following facts :

In 1830 the Mormon church organized, and the Book of Mormon was published, in which polygamy is strongly condemned.

In 1831, the same doctrine condemned, in a revelation to Joseph Smith, which was afterward published in the Book of Doctrine and Covenants.

In July, 1843, the revelation in favor of polygamy, *said to have been given* to Joseph Smith.

In February, 1844, polygamy publicly denounced by Joseph and Hiram Smith.

In March, 1844, the same practice again denounced by Hiram Smith.

In June, 1844, the death of Smith.

In 1845, the publication of the article on marriage, in the Appendix to the Book of Doctrine and Covenants, in which polygamy is called a "crime," and is again strongly condemned and repudiated. The same year the spiritual-wife doctrine of I. C. Bennett denounced by P. P. Pratt, in England.

In 1846, polygamy condemned at the conferences of the European Mormon churches, in England.

In 1848, "polygamy" and "sexual resurrectionism" severely denounced in the "Millennial Star," published in Liverpool.

In 1850, polygamy denounced and repudiated by Apostle John Taylor, in France.

And yet, in the face of all these facts, in 1852, we have the same doctrine publicly given to the church, accompanied by the announcement, that it had been believed and practiced by the church for many years.

Now, it will not be pretended by any one, that polygamy was any part of the Mormon religion previous to 1843. Take, then, the period from 1843 to 1852. How was it during those nine years? Which shall we take in evidence of what was the teaching of the Mormon religion on that subject, during that time? The Book of Doctrine and Covenants, the notices published by J. & H. Smith, the declarations of Pratt and Spencer, the action of the churches in England, and the assertions of Taylor in France, or the announcement made in Great Salt Lake City in 1852? Are we not, at least, as much authorized to take the former as the latter?

EXHIBIT P.

NEW AMERICA, BY WILLIAM HEPWORTH DIXON, PHILADELPHIA, J. B. LIPPINCOTT & CO.—1867.

CHAPTER XXVII.—*Marriage in Utah.*

But the most singular, the most powerful of these three groups of secular notes, even when we study them from a political point of view only, is that which defines the conditions of family life, particularly in what it has to say of marriage. Marriage lies at the root of society, and the method of dealing with it marks the spirit of every religious system.

Now the new American church puts marriage into the very front of man's duties on earth. Neither man nor woman, says Young, can work out the will of God alone; that is to say, all human beings have a function to discharge on earth, the function of providing tabernacles of the flesh for immortal spirits now waiting to be born, which cannot be discharged except through that union of the sexes implied in marriage. To evade that function is, according to Young, to evade the most sacred of man's obligations. It is to commit sin. An unwedded man is, in Mormon belief, an imperfect creature; like a bird without wings, a body without soul. Nature is dual; to complete his organization a man must marry a wife. Love, says Young, is the yearning for a higher state of existence, and the passions, properly understood, are the feeders of spiritual life. Looking to this dogma of the duty of wedlock solely as a source of political power we should have to allow it very great weight. What waste it saves! In many religious bodies marriage is simply tolerated as the lesser form of two dark evils. Those Essenes from whom we derive so much allowed it only to the weak, and on account of weakness they thought it better for a good man to refrain from marriage, and in the higher grades of their society the relation of wife and husband was unknown. Many orders among the Hindoos practice celibacy. The Greeks had their vestal virgins, the Egyptians their anchorites, the Syrians

their ascetics. In the Pagan olympus abstinence was a virtue, praised, if not practiced, by the gods. Hestia and Artemis were honored above all the denizens of Heaven, because they rose beyond the reach of love; nay, the idea of marriage, being a kind of corruption, had so sunk into the Pagan mind as to crop out everywhere in the common speech. To be unloved was to be unspotted; to be single was to be pure. In all Pagan poetry the title of virgin is held to be higher than that of mother; nobler than that of wife. Among Christian communities marriage is a theme of endless disputation; one church calling it a sacrament, another calling it a contract; all churches considering it optional, few regarding it as meritorious, many denouncing it as a compromise with the devil. The Greek church encourages celibacy in a class; the Latin prohibits marriage to its priests. The Gothic church may be said to stand neutral, but no church in the world has ever yet come to insist on the duty of marriage as necessary to the living of a true Christian life.

On the contrary, every religious body which has dealt with the topic at all, Greek, Armenian, Coptic, Latin, Abyssinian, declares by facts, no less than by words, that any union of the sexes in the bands of wedlock is hostile to the highest conception of Christian life. Hence the monastic houses; hence the celibacy of priests; institutions which infect the mind of society, arresting the growth of many household virtues, poisoning some of the sources of domestic life. A wifeless priest is a standing protest against wedded love; for if it be true that the human affections are a snare, leading men away from God, it is surely a good man's duty to crush them out. A snare is a snare, a sin is a sin, to be avoided equally by the layman and the priest.

Young has turned the face of his church another way. With him marriage is a duty and a privilege; and the elders, being considered examples to the people in all good works, are enjoined to marry. A priest and elder must be a husband; even among the humbler flock, it is held to be a disgrace, the sign of an unregenerated heart, for a young man to be found leading a single life.

But the saints have pushed the doctrine a step further; for instead of denying to their popes and priests the consolation of women's love, they encourage them to indulge in a plurality of wives, and among their higher clergy, the prophet, the apostles, and the bishops, their indulgence is next to universal. Not to be a pluralist is not to be a good Mormon. My friend, Captain Hooper, though he is known to be rich, zealous, insinuating, and an admirable representative of Utah in Congress, has never been able to rise high in the church, on account of his repugnance to taking another wife. "We look on Hooper," the apostle Taylor said to me yesterday at dinner, "as only half a Mormon," at which every one laughed in a sly, peculiar way. When the merriment, in which the young ladies joined, had died down, I said to Hooper, "Here's a great chance for you next season; pick out six of the prettiest girls in Salt Lake City, marry them in a batch; carry them to Washington, and open your season in December with a ball." "Well," said Hooper, "I think that would take for a time, but then I am growing to be an old fellow."

Young, who is fond of Hooper, proud of his talents, and conscious of his services, is said to be urging him strongly to marry one more wife at least, so as to cast his lot finally, whether for good or evil, with the polygamous church. If Hooper yields, it will be from a sentiment of duty and fidelity towards his chief.

Every priest of the higher grades in Salt Lake valley has a plural household; the number of his mates varying with the wealth and character of the elder. No apostle has less than three wives.

Of the marriages of Brigham Young, Heber Kimball, and Daniel Wells, the three members of what is here called the First Presidency, no accounts are kept in the public office. It is the fashion of every pious old lady in this community, who may have lost her husband by death, to implore the bishop of her

ward to take measures for getting her sealed to one of these three presidents. Young is, of course, the favorite of such widows; and it is said that he never makes a journey from the Beehive without being called upon to indulge one of these poor creatures in her wish. Hence, a great many women hold the nominal rank of his wife whom he has scarcely ever seen, and with whom he has never had the relations of a husband, as we in Europe should understand the term. The actual wives of Brigham Young, the women who live in his houses—in the Beehive, in the Lion House, in the White Cottage—who are the mothers of his children, are twelve, or about twelve in number. The queen of all is the first wife, Mary Ann Angell, an aged lady, whose five children—three sons, two daughters—are now grown up. She lives in the White Cottage, the first house ever built in Salt Lake valley. Joseph and Brigham, her eldest sons, chiefs of their race, are already renowned in missionary labor. Sister Alice, her eldest daughter, is my friend, on the stage. The most famous, perhaps, of these ladies is Eliza Snow, the poetess, a lady universally respected for her fine character, universally applauded for her fine talents; about 50 years old, with silver hair, dark eyes, and noble aspect, simple in attire, calm, lady-like, rather cold. Eliza is the exact reverse to any imaginary lights of the harem. I am led to believe that she is not a wife to Young in the sense of our canon; she is always called Miss Eliza; in fact, the Mormon rite of sealing a woman to a man implies other relations than our Gentile rite of marriage; and it is only by a wide perversion of terms that the female saints who may be sealed to a man are called his wives. Sister Eliza lives in the Lion House, in a pretty room on the second floor, overlooking the Oquirrh mountains, the valley, the river Jordan, and the Salt lake; a poet's prospect, in which form and color, sky and land and water, melt and fuse into glory without end. Young's less distinguished partners are: Sister Lucy, by whom he has eight children; sister Clara, by whom he has three children; sister Zina, poetess and teacher, (formerly the wife of Dr. Jacobs,) by whom he has three children; sister Amelia, an old servant of Joseph, by whom he has four children; sister Eliza, (2,) an English girl, (the only English woman in the prophet's house,) by whom he is said to have four or five children; sister Margaret, by whom he has three or four children; sister Emeline, often called the favorite, by whom he has eight children. Young himself tells me that he never has had and never will have a favorite in his house, since desires and preferences of the flesh have no part in the family arrangements of the saints.

The apostles have fewer blessings than the presidents, but 12 are all pluralists. The following figures are supplied to me by George A. Smith, cousin of the prophet Joseph, and historian of the church:

Orson Hyde, first apostle, has four wives.

Orson Pratt, second apostle, has four wives.

John Taylor, third apostle, has seven wives.

Wilford Woodruff, fourth apostle, has three wives.

George A. Smith, fifth apostle, has five wives.

Amasa Lyman, sixth apostle, has five wives.

Ezra Benson, seventh apostle, has four wives.

Charles Rich, eighth apostle, has seven wives.

Lorenzo Snow, ninth apostle, has four wives.

Erastus Snow, tenth apostle, has three wives.

Franklin Richards, eleventh apostle, has four wives.

George Q. Cannon, twelfth apostle, has three wives.

With the exception of John Taylor the apostles are considered poor men; and in Salt Lake it is held dishonest for a man to take a new wife unless he can maintain his family in comfort as regards lodging, food, and clothes. Some of the rich merchants are encouraged by Young to add wife on wife. A bold and pushing elder said to me last night in answer to some banter: "I shall certainly

marry again soon. The fact is I mean to rise in this church, and you have seen enough to know that no man has a chance in our society unless he has a big household. To have any weight here you must be known as the husband of three women."

CHAPTER XXIX.—*The doctrine of pluralities.*

[Page 213, &c.] But the saints have not simply revived polygamy in Utah. They have returned to that form of domestic life in both its unlimited and its incestuous forms. In their search for the foundations of a new society they have gone back to the times when Abraham was called out of Hanran; undoing the work of all subsequent reformers, setting aside not only all that Mohammed but all that Moses had done for the better regulation of our family life.

[Ibid.] We have had a very strange conversation with Young about the Mormon doctrine of incest. I asked him whether it was a common thing among the saints to marry mother and daughter, and if so, on what authority they acted, since that kind of union was not sanctioned either by the command to Moses or by the revelation to Smith. When he hung back from admitting that such a thing occurred at all, I named a case in one of the city wards of which we had obtained some private knowledge. Apostle Cannon said that in such cases the first marriage would be only a form; that the elder female would be understood as being a mother to her husband and his younger bride; on which I named my example, and in which an elder of the church had married an English woman, a widow, with a daughter, then of 12, in which the woman had borne four children to this husband, and in which this husband had married her daughter when she came of age.

Young said it was not a common thing at Salt Lake.

"But it does occur?"

"Yes," said Young, "it occurs sometimes."

"On what ground is such a practice justified by the church?"

After a short pause he said with a faint and wheedling smile: "This is a part of the question of incest. We have no sure light on it yet. I cannot tell you what the church holds to be the actual truth. I can tell you my own opinion, but you must not publish it; you must not tell it, lest I should be misunderstood and blamed." He then made to us a communication on the nature of incest as he thinks of this offence and judges it, but what he then said I am not at liberty to print.

As to the facts which came under my own eyes I am free to speak. Incest, in the sense in which we use the word—marriage within the proscribed degree—is not regarded as a crime in the Mormon church. It is known that in some of their saintly harems the female occupants stand to their lords in closer relationship of blood than the American law permits. It is a daily event in Salt Lake City for a man to wed two sisters, pleading the example of Sarai and Abraham, which Young, after some consideration, allowed to be a precedent for his flock. In one household in Utah may be seen the spectacle of three women who stand towards each other in the relation of child, mother, and granddame, living in one man's harem as his wives! I asked the president whether, with his new lights on the virtue of breeding in-and-in, he saw any objection to the marriage of brother and sister. Speaking for himself, not for the church, he said he saw none at all. What follows I give in the actual words of the speaker:

D. Does that sort of marriage ever take place?

Young. Never.

D. Is it prohibited by the church?

Young. No; it is prohibited by prejudice.

Kimball. Public opinion won't allow it.

Young. I would not do it myself, nor suffer any one else when I could help it.

D. Then you don't prohibit it and you don't practice it?

Young. My prejudices prevent me.

This remnant of an old feeling brought from the Gentile world, and this alone, would seem to prevent the saints from rushing into the higher forms of incest. How long will these Gentile sentiments remain in force?

"You will find here," said Elder Stenhouse to me, talking on another subject, "polygamists of the third generation. When these boys and girls grow up and marry, you will have in these valleys the true feeling of patriarchal life. The Old World is about us yet, and we are always thinking of what people may say in the Scottish hills and midland shires."

ACROSS THE CONTINENT: A SUMMER'S JOURNEY TO THE ROCKY MOUNTAINS, THE MORMONS, AND THE PACIFIC STATES, WITH SPEAKER COLFAX. BY SAMUEL BOWLES, EDITOR OF THE SPRINGFIELD (MASSACHUSETTS) REPUBLICAN, SPRINGFIELD, MASSACHUSETTS. SAMUEL BOWLES & CO., 1866.

I.—*The Mormons—their present attitude towards the government.*

[Page 391, &c.] Since our visit to Utah, in June, the leaders among the Mormons have repudiated their profession of loyalty to the government, denied any disposition to yield the issue of polygamy, and begun to preach anew and more vigorously than ever disrespect and defiance to the authority of the national government. They seem to be disappointed and irate that their personal attentions and assurances to Mr. Colfax and his friends did not win from them more tolerance of their peculiar institutions, and something like espousal of their desire for admission as a State of the Union. New means are taken to organize and drill the militia of the Territory, and to provide them with arms, under the auspices and authority of the Mormon church; and an open conflict with the representatives of the government is apparently braved, even threatened. I make these illustrative quotations from speeches and sermons by prominent church leaders during August and September:

From Heber Kimball, first vice-president of the church.

The next army that comes here, I want you women to meet, all armed with brooms, and pop-squirts, and hot water, to squirt hot water all over 'em. We had a good time with the last army that came here, and I guess we will have it with the next one! Greet them, sisters, with a shower of suds, with even the half of a scissors about 18 inches long. And you, brethren, grease your old firelocks; and you, sisters, grease your old firelocks, too. Arm even with cornstalks, everybody. In the "States" they do it between the ages of 18 and 45; but here, I suppose, we might do so between the ages of 10 and 180. Broomsticks and mop-handles, brethren, and pails of hot water, my dear sisters, if you can't do any more. If a dozen of our women were in the south the time of that war, with pails of hot water, they could have licked the northern army.

We believe what Christ taught—the commandments he gave. He said: "Thou shalt not interfere with thy neighbor's wife, nor his daughter, his house, nor his man-servant, nor his maid-servant." Christ said this, but our enemies don't believe it. That was the trouble between the north and the south. The abolitionists of the north stole the niggers and caused it all. The nigger was well off and happy. "How do you know this, brother Heber?" Why, God bless your soul, I used to live in the south and I know! Now they have set the nigger free, and a beautiful thing they have done for him, haven't they? I am what you might call a son of the veterans. My father bled in the revolution for our liberties. I, his son, have been five times robbed and driven out by Gentile persecutors—I, and my brothers Charles and Samuel. They threaten to come here and destroy us. Let them come; I am the boy that will resist them.

From George A. Smith, another vice-president.

He said the Lincoln administration did not want peace with the South, but wanted to destroy and devastate all the good southern people, and, that in order to do so, the party in power had laid aside the Constitution entirely, and were the main ones who rebelled, and the South was right. He said the northern army burned and destroyed everything in the south, and abused, by force, all their women, and said they would be here some day to treat

the *fair women* of Utah in like manner; and that all, both old and young, should have plenty of arms, and when they approached God would fight the battles and the saints would be victorious! He said our government was not at peace, and he damned it, and hoped to see the day when it would sink to hell; that nothing in the shape of a free government could ever stand on North American soil that was opposed to Mormonism and polygamy!

From Brigham Young, himself.

He said if they undertook to try him in a Gentile court he would see the government in hell first, and was ready to fight the government the rub; that he had his soldiers, and rifles, and pistols, and ammunition, and plenty of it, and cannon, too, and would use them. He was on it! The governor of this Territory was useless and could do nothing. He (Brigham) was the real governor of this people, and by power of the Most High he would be governor of this Territory forever and ever; and if the Gentiles did not like this, they could leave and go to hell! He said that nine-tenths of the people of the Territory were southern sympathizers; that the North was wrong, and their people sympathized with the South.

Most of this demonstration is probably mere bravado; means to arouse the ignorant people, excite them against the government, make them still more the fanatical followers of the church leaders, and also to intimidate the public authorities, and induce them to continue the same let-alone and indulgent policy that has been the rule at Washington for so long. The government always seems to have demonstrated just enough against the Mormons to irritate them and keep them compact and prepared to resist it, but never enough to make them really afraid or to force them into any submissive steps. The bristling attitude of the saints has ever had the apparent effect to qualify the government purpose, and make it stop short in its proceedings to enforce the laws and national authority. It is no wonder, therefore, that they repeat their frantic and fanatic appeals to their people, and their defiance to the government, and grow more and more bold in them. They find that it works better than professions of loyalty and half-way offers of submission, one bad effect of which, for their own cause, is of course to demoralize their followers and weaken their own authority over them.

There is no evidence yet of any change in the policy of the executive authority at Washington. While the new federal governor of the Territory, Mr. Durkee, from Wisconsin, the federal judges, and the superintendent of Indian affairs, are all anti-Mormons and anti-polygamists, all, or nearly all, the other federal officers in the Territory are both leading Mormons and practical polygamists—the postmasters, collectors of internal revenue, &c. The postmaster of Salt Lake City is one of Brigham Young's creatures, and editor of the Mormon daily paper there. The returns of internal revenue in the Territory are found to be, proportionately to similar populations and wealth, quite small; and there are reasons to believe that the taxes are not faithfully assessed and collected. General Connor, who has been returned to his old place, as military commander of the district of Utah alone, is assigned a force of only 1,000 soldiers, though he asked for and expected to have 5,000. The lesser number, remote from all possible re-enforcements, is entirely inadequate to support the governor and judges in any exercise of authority that they may dare to undertake and that the Mormons may choose to resist. One thousand soldiers could very readily be "wiped out"—which is a favorite phrase of the saints towards their enemies—by a sudden uprising of the fanatical followers of Brigham Young and his apostles.

Excuse for such uprising is in much danger of being developed from the growing strength and impatience of the anti-Mormon elements in society at Salt Lake City, and the reckless, desperate character of some of those elements. Miners from Idaho and Montana have come into that city to winter, to spend their profits if successful, or to pick up a precarious living if unlucky. Many discharged soldiers also remain there or in the neighboring districts. The growing trade and commerce across the continent floats in other persons, good,

bad, and indifferent as to habits and self-control. Other accessions to the Gentile strength and agitation are constantly made. The merchants of that class are increasing and becoming prosperous; those who have been silent and submissive under the Mormon hierarchy, dare now to demonstrate their real feelings, under the protection of sympathy and soldiers. The *Daily Union Vidette* continues to be published as the organ of the soldiers and other Gentiles, and is bold and unsparing and constant in its denunciations of the Mormon church and its influences. Rev. Norman MacLeod, chaplain of the soldiers and pastor of the Congregational Society in Salt Lake City, has returned from a summer's trip to Nevada and California, with funds for building a meeting-house and increased zeal against the Mormons. A Gentile theatre has been established; various social organizations, in the same interest, are increasing and growing influential over the young people; General Connor himself, his fellow-officers and soldiers, are all bitter in their hatred of the Mormons, and eager for opportunities to subdue the government authority. Governor Durkee seems less disposed to be tolerant of the Mormon control and the Mormon disrespect to federal authority than his predecessors generally have been; and the judges, goaded, like all the rest of the Gentiles, by Mormon insults and Mormon defiance, and their own incapacity, under government neglect, to perform their duties, more than share the common feeling of antagonism to the church leaders.

Thus the two parties are growing more and more antagonistic, more and more into a spirit of conflict. Thus, too, while we are rapidly aggregating and operating the means by which the Mormon problem is ere long to be solved, even without the special help or interference of the government, are also coming into life the elements and the danger of a more serious and personal collision, in which the Mormons, from their numerical superiority, would most probably be successful, and quite likely wreak terrible vengeance on their enemies. Of course, such a result would evoke full retribution on their own heads, for the people and government would arouse and enforce speedy and complete subjugation.

But these threatened and dreaded results ought to be and can be avoided. The government has now the opportunity to guide and control the operation of natural causes to the overthrow of polygamy and the submission of the Mormon aristocracy without the shedding of blood, without the loss of a valuable population and their industry. The steps to this are, first, a sufficient military force in the Territory "to keep the peace," to protect freedom of speech, of the press, and of religious proselytism; to forbid any personal outrages on the rights of the Mormons, and to prevent any revenges by them upon the Gentiles; and next, the supplanting of all polygamists in federal offices by men not connected with that distinctive sin and offence of the church. These steps, wisely taken, firmly administered, would rapidly give the growing anti-polygamous elements such moral power as would insure speedy and bloodless revolution. It may not be wise or necessary, at least at present, in view of past indulgence, to undertake to enforce the federal law against polygamy; that may be held in abeyance until the effect of such proceedings as have been indicated is fully developed. In short, I would change the government policy from the "do-nothing" to the "make-haste-slowly" character; I would have its influence decidedly and continuously felt in the Territory against the crime of polygamy. Neglecting to do this, there is danger of anarchy and deadly conflict springing up on that arena; there is also sure prospect that the people of the country at large will, in their impatience and disgust, force upon Congress such radical measures against the Mormons as are, in regard to our past neglect and the present opportunity of peaceful revolution, to be almost as deeply deprecated; in either event, the responsibility will rest heavily and sharply upon the President and his cabinet, who are permitting the affairs of the Territory to

drift on in the present loose and dangerous way, either ignorant of, or indifferent to, the rapidly-developing social conflict there.

DEFENCE OF POLYGAMY.

My readers may be interested to know the reply of the Mormons to my letters on the subject of polygamy. The Deseret News, the official organ of the church, had such a reply in August, from which I quote :

As a people we view every revelation from the Lord as sacred. Polygamy was none of our seeking. It came to us from heaven, and we recognized in it, and still do, the voice of Him whose right it is not only to teach us, but to dictate and teach all men, for in his hand is the breath of the nostrils, the life and existence of the proudest, most exalted, most learned or puissant of the children of men. It is extremely difficult, nay, even utterly impossible, for those who have not been blessed with the gift of the Holy Ghost, to enter into our feelings, thoughts, and faith in these matters. They talk of revelation given, and of receiving counter-revelation to forbid what has been commanded, as if man was the sole author, originator, and designer of them. Granted that they do not believe the revelations we have received come from God—granted that they do not believe in God at all if they desire it. Do they wish to brand a whole people with the foul stigma of hypocrisy, who from their leaders to the last converts that have made the dreary journey to these mountain wilds for their faith, have proved their honesty of purpose and deep sincerity of faith by the most sublime sacrifices! Either that is the issue of their reasoning, or they imagine that we serve and worship the most accommodating Deity ever dreamed of in the widest vagaries of the most savage polytheist. Either they imagine that we believe man concocts and devises the revelations which we receive, or that we serve a God who will oblige us at any time by giving us revelations to suit our changing fancies, or the dictation of men who have declared the canon of revelation full, sealed up the heavens as brass, and utterly repudiate the interference of the Almighty in the affairs of men. By the first of these suppositions we would be gross hypocrites, by the other gross idiots.

Know, gentlemen of the press, and all whom it may concern, that though a repugnance to this doctrine may be expressed by one in a thousand of the people whom you call "Mormons," he is not one, nor recognized as such by that religious community of which he may be called a member. If one revelation is untrue all are untrue; if one was revealed by God all have their origin in the same divine source."

The News goes on to declaim that greater purity, better morals accompany polygamy than monogamy, and adds:

As well might it be said that the affection of the parent must be confined to one child, and that the affection of a united family could not reciprocate that of the parents, or jealousy would creep in, bitterness of thought be engendered, and the finer feelings and susceptibilities be blunted as that one man cannot entertain for and extend affection to more than one woman, or that his affection could not be reciprocated by more than one without the same results being called into existence.

The presumed misery consequent upon polygamy is advanced as one of the strongest arguments against it. Upon what is it based? Some person met and conversed with some other person who did not enjoy that amount of happiness in polygamy which they desired to realize. Who does in any condition of life? How many monogamic wives curse the hour they have entered into the bonds of wedlock? There is no argument in it, nor can an argument be logically based upon it. It is a statement and can be met by a counter statement which the experience of this united people can indorse, they having a practical acquaintance with, and an experience in the workings of both forms of marriage. Take fifty polygamic families indiscriminately from this community and the same number in the same manner from any other community in the world, and there will be found more conjugal unhappiness in the latter than exists in the former.

The Mormons point lustily to the incontinence and license that exist in society where one man to one wife is the rule, as practical argument in favor of their system. It is their final and favorite appeal, and always very satisfactory to themselves. They hold that there is more real purity and order in the intercourse of the sexes, and in society based upon polygamy, than that where monogamy is the law and license the practice.

A SPECIMEN OF MORMON PREACHING.

This extract from a late Sunday discourse in the Salt Lake City tabernacle by Heber C. Kimball, the first vice-president and chief prophet of the church,

is a fair specimen of a good deal of the preaching of the Mormon bishops. I have reports of other sermons by Brigham Young himself, and others, so absolutely filthy in language that they cannot be produced in print anywhere:

Ladies and gentlemen, good morning. I am going to talk to you by revelation. I never study my sermons, and when I get up to speak I never know what I am going to say, only as it is revealed to me from on high; then all I say is true; could it help but be so, when God communicates to you through me? The Gentiles are our enemies; they are damned forever; they are thieves and murderers, and if they don't like what I say they can go to hell, damn them! They want to come here in large numbers and decoy our women. I have introduced some Gentiles to my wives, but I will not do it again, because, if I do, I will have to take them to my houses and introduce them to Mrs. Kimball at one house, and to Mrs. Kimball at another house, and so on; and they will say Mrs. Kimball such, and Mrs. Kimball such, and so on are w——. They are taking some of our fairest daughters from us now in Salt Lake City, damn them. If I catch any of them running after my wives I will send them to hell; and, ladies, you must not keep their company; you sin if you do, and you will be damned and go to hell. What do you think of such people? They hunt after our fairest and prettiest women, and it is a lamentable fact that they would rather go with them damned scoundrels than stay with us. If brother Brigham comes to me and says he wants one of my daughters, he has a right to take her, and I have the exclusive right to give her to who I please, and she has no right to refuse; if she does, she will be damned forever and ever, because she belongs to me. She is a part of my flesh, and no one has a right to take her unless I say so, any more than he has a right to take one of my horses or cows.

All the federal governor has to do is to pay the legislature and administer justice. Are the governors our masters? No, sir, not for me; they are our servants. We have our apostolic governments. Brigham Young is our leader, our president, our governor. I am lieutenant governor. Ain't I a terrible fellow? Why it has taken the hair all off my head. At least it would if I hadn't lost it before. I lost it in my hardships, while going out to preach the kingdom of God, without purse or scrip.

To the Gentiles. O don't be scared at me! Come up to my house and see me. I will give you some peaches and make you happy. I have two sons abroad preaching the kingdom of God. Brother Byrd says they are good boys. It makes me proud to hear it. I want the time to come when I can send out fifty sons to preach, all at one lick. Come up and see me; I will give you some peaches; I will give you some apples; I would give you some meat if I had it, but am about out.

THE EMIGRATION OF 1868.

The Mormons boast of one thousand emigrants from Europe this season, proselyted and shipped by their missionaries abroad. Most of them are English and Norwegians, simple ignorant people, beyond any class known in American society, and so easy victims to the shrewd and sharp and fanatical Yankee leaders in the Mormon church. Education, common schools, are among the first of reformatory means needed in Utah.

H. Rep. Com. 79—6

EXEMPTIONS FROM INTERNAL TAX.

[To accompany bill H. R. No. 1327.]

JULY 21, 1868.—Ordered to be printed.

Mr. BROOKS, from the Committee of Ways and Means, made the following

REPORT.

The Committee of Ways and Means, to whom was referred the bill entitled "An act to amend an act to exempt certain manufacturers from internal tax, and for other purposes," approved March 31, 1868, respectfully report the same to the House, with a recommendation in favor of its passage.

March 31, 1868, Congress passed the act to exempt certain manufacturers from internal tax, the first section of which repealed all taxes upon manufactures, except upon gas, oils, wines, and tobacco.

Section second provided that "nothing herein contained shall be construed as a repeal of any tax upon machinery or other articles which have been or may be delivered on contracts made with the United States prior to the passage of this act."

This exception was not contained in the original act as it passed the House, but was inserted in the Senate, and finally agreed to only upon the report of a committee of conference.

The argument in favor of the exception was, that as contractors with the government had probably fixed the prices of their work, expecting to pay the tax thereon, no great injustice would be done them by requiring them to pay it, notwithstanding the repeal of all taxes on similar manufactures.

As soon as the act was passed, the contractors to furnish naval engines for the government, conceiving the exception to be unjust and oppressive toward them, prepared their memorials asking to be relieved from the effect of the exception, and to be allowed the privileges and benefits granted other manufacturers by the act of March 31, 1868, and seasonably presented the same to Congress, together with bills for their relief. The memorialists say :

The exception of contractors for naval machinery from the privileges and benefits to which all other manufacturers are entitled by this beneficial statute for their relief could only be justified on the ground that this class of contractors had been making *large and excessive profits* from the work performed by them. To single them out, and deprive them of the privileges of a general law on any other ground, would be unjust and oppressive.

But so far from this being the case, it is clear that these contractors have made no money from their contracts, but have and will expend more than they receive. The prices of labor and materials largely increased after 1863. The taxes on articles used in construction were increased by act of Congress from three to five and six per cent. ; and instead of *realizing profits*, they will *incur losses* largely if not entirely *on account of the subsequent action of the government*.

To prove the losses sustained by this class of contractors for naval iron work for the government, it is only necessary to refer to the action of the Senate in passing the bill for their relief, in regard to vessels and other machinery built for the government, which action was taken upon sworn and official proof that the actual cost of the work had exceeded the amount paid for it by about 40 per cent. This bill has not as yet passed the House, and it is practically defeated.

Under these circumstances, when Congress, although admitting the justice and equity of the claim, refuses to pass a special law for the relief of parties who have made large losses by their work for the government; for the same Congress to legislate specially to exclude them from the benefits of a general law applicable to all other contractors and manufacturers is humiliating to the parties interested, and an act of injustice which they cannot believe that Congress deliberately intends to inflict.

As the law now stands, where these contractors execute contracts with private individuals made before March 31, 1868, the party with whom they contracted gets the benefit of the repeal of the tax afforded by that law, and realizes an unexpectedly large profit; while upon these contracts with the Navy Department, upon which the contractors have lost money through the action of the government, they are deprived of the benefit of the same statute, and a loss is inflicted upon them equal to the gain and profit which is afforded persons less meritorious, and to whom the government is under no obligation.

Upon a reconsideration of the subject by this committee, there seems to be much force in the arguments of the memorialists. Their contracts, instead of being made after the highest prices of materials and labor had been reached, so that they might be presumed to have taken care to realize a profit after paying the taxes, were dated as far back as 1863, before the largest increase in the prices of gold, labor, and materials occasioned by the war; and the evidence produced by the contractors seems to show that instead of realizing profits, they will, if compelled to pay taxes which other manufacturers do not pay, be losers by their contracts.

It is impossible to make laws imposing or repealing taxes operate with perfect equality upon all classes of tax-payers. Every general tax imposed bears more heavily upon some parties affected by it than upon others. Every law repealing taxes operates with more or less inequality. It is impossible, and leads to difficulty, to attempt to correct these inequalities by special impositions or exemptions inserted in general laws. In this case, the exception which might possibly have been just in the case of a contractor making a contract in 1867 certainly operates unjustly upon a contractor who made his contract in 1863.

It is proper to state that none of the parties who will become entitled by this act to the privileges and benefits accorded other contractors by the act of March 31, 1868, are included in the bill for the relief of iron-clad builders which has passed the Senate this session, and is now before the House.

DR. BENJAMIN MALONE.

JULY 2, 1868.—Ordered to be printed and recommitted to the Committee on Military Affairs.

Mr. RAUM, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the petition of Dr. Benjamin Malone, of Philadelphia, late a paymaster of United States volunteers, asking that he and his sureties be discharged from liability on account of loss suffered by the robbery of funds from him on February 22 and 23, 1864, respectfully report:

That they have carefully examined the testimony relating to the subject, and believe the application and relief should be granted.

Among the most important papers in the case are:

First. The affidavit of William P. Wood, now chief of the secret service division of the Treasury Department—at that time in the employ of the War Department—giving the results of his investigations into the robbery.

Second. The confessions of Matthew Kinney and John W. Murphy, two of the robbers.

Third. Judge Advocate Turner's official report of the investigation made November 4, 1865, a copy of which, marked A, is hereto appended.

The facts embodied in the several proofs exhibited are corroborated and undisputed. They are briefly summed up as follows:

First. Dr. Malone himself was entirely innocent of knowledge or participation in the wrong, and his honorable character and standing are conceded.

Second. That he used every means in his power to discover the robbers and recover the money; and after the failure of the War Department, through Colonel Baker, to succeed in its endeavors, it was at his earnest solicitation that other agents were employed, and Colonel Wood succeeded in arresting most of the guilty parties.

Third. That the robbery was planned by Christopher V. Hogan, who, both before and since that time, has been employed by the Treasury Department, and at the very moment of the robbery, was a member of Colonel Baker's detective force; and by John Dugan, then a member of the metropolitan police.

Fourth. That one Alburtis, a professional burglar, with Matthew Kinney and John Murphy, carried off the funds. All except Burtis were arrested and made confessions. Fifteen hundred dollars of the money was actually recovered, and Kinney offered to return the balance of \$15,000, which he had received as his share; but, on being taken to New York for the purpose, was permitted to escape. Burtis, it is said, offered to return \$40,000 of the money, if the indictment and proceedings against him should be withdrawn, and he is now in the city of New York. The guilty parties were, under orders, turned over to the civil authorities for punishment; yet, strange to say, Hogan and Dugan were released after some nine months' imprisonment, and the indictments against the others have not been pressed.

Fifth. That Wood testifies that Major Malone "adopted as good precautions as were ordinarily taken, and was made the victim of a concerted plan adopted by

the most skilful burglars;" and it is evident that no precautions short of a deposit in bank, which was not possible between the hours named, would have prevented the robbery.

Some comment on such a state of facts your committee deems appropriate.

The case is an extraordinary one. Sixty-eight thousand eight hundred dollars were taken from Dr. Malone, a government officer, against whom there is no charge of wrong, by officers then in the government employ. One of these men from his position was enabled to learn when a paymaster had drawn funds—the other could stand guard as a policeman while their subordinates did the robbery. That alone should have great weight towards relieving an innocent man. But when added to it we find the government arresting the principals, recovering part of the money and offered the chance of obtaining most of it, yet allowing money and offenders to slip from its grasp, and actually re-employing Hogan, the man who planned the robbery, it is not too much to ask that this paymaster and his sureties be relieved as requested, which relief your committee accordingly recommend shall be granted.

Which is respectfully submitted :

J. A. GARFIELD.
GREEN B. RAUM.
WM. A. PILE.
B. M. BOYER.
J. H. KETCHAM.
H. D. WASHBURN.
CHAS. SITGREAVES.

A.

JUDGE ADVOCATE'S OFFICE, WAR DEPARTMENT,
Washington, D. C., November 4, 1865.

Major Malone was robbed during the night of February 22, 1864, of about \$73,000 of government money. His room, in the house of the Hon. Isaac Newton, was entered while he was asleep, and his paymaster's trunk (in which the money was placed) taken therefrom.

Fruitless efforts were made to discover the robbers by the metropolitan police and General L. C. Baker, and in May, 1864, Superintendent Wood, by direction of the Secretary of War, continued the investigation.

Soon after, John Murphy, a stonecutter, of Washington, was arrested as being implicated, and after a short imprisonment confessed his participation and disclosed the names of others, viz : Matthew Kinney, (Irishman,) and Albert Burtis, (Englishman,) both professional thieves and burglars, residing in New York city. Then Kinney was arrested, but Burtis could not be found. Kinney made a confession also. Murphy confessed that he received about \$3,000 of the stolen money, and \$1,830 in postal currency was found in his possession and taken by Superintendent Wood. Kinney confessed that he received as his share \$15,000 of the stolen money, that the same was in New York, and if Superintendent Wood would take him there he would deliver it up and tell him where Burtis could be found. Kinney and Murphy were indicted and turned over to the authorities for trial, and Hogan and Dugan have also been turned over to the civil authorities.

Respectfully submitted :

L. C. TURNER,
Judge Advocate.

PAY DEPARTMENT..

JULY 24, 1868.—Ordered to be printed.

Mr. COBB, from the Select Committee, made the following

REPORT.

The Select Committee appointed to investigate the workings of the pay department submit the following special report :

On the — day of June ultimo, the Secretary of the Treasury informed your committee through its chairman that certain facts had come to his knowledge which had induced him to believe that frauds upon the government were being perpetrated in the payment of bounties to colored troops, and requested that the committee should make an investigation thereof. Although your committee were not entirely clear that such duty was within the letter of the resolution under which it was raised, yet, in view of the advanced stage of the session, and the probable impossibility of raising a new committee for that purpose, your committee yielded to the solicitation of the Secretary and entered upon the investigation.

As the desired investigation would involve an examination of the records of the colored bureau of the War Department, your committee requested the Secretary of War to detail a competent officer of the Adjutant General's bureau to assist them in the investigation. The Secretary accordingly detailed Brevet Major G. B. Scott, U. S. A., an efficient officer on duty in the department, who entered upon the duty of selecting and arranging such papers and documents in the colored bureau as were deemed necessary to be examined by the committee, and pursued his labors with great assiduity; but just as he had completed, and before he had time to submit his work to the committee, he was stricken down by the hand of death. Your committee were, therefore, deprived of his valuable assistance in the completion of the investigation, and much of his labor failed in its usefulness on account of his not having been spared to lay it before your committee with such explanations as he alone could make. While, the session being so near its close, the committee had no time to reinvestigate.

But your committee have made such investigations as the limited time at their command would allow, and have found that in the payment of bounties to colored troops irregularities exist, and discrepancies between the records of the Adjutant General's office and the final settlement of the accounts at the Second Auditor's office are found.

In many cases such irregularity has been explained, but your committee recommend that more caution be used in making report of the status of such colored troops, in order that duplicate payments be prevented in some cases and the payments of erroneous amounts in others.

While these irregularities are found, your committee have found no evidence of fraud against any individual in either department named, or against any agent doing business with the same.

As the attention of your committee has been called to certain newspaper articles commenting upon the investigation, and reflecting upon the official integrity of Mr. E. B. French, Second Auditor, and Mr. C. P. Blackmar, a clerk in the same office, they deem it their duty to add that no evidence has been submitted to them, nor have they discovered anything in the course of the investigation to cast any suspicion upon the integrity or capacity of either of these gentlemen.

CONTINGENT FUND OF THE HOUSE.

JULY 24, 1868.—Ordered to be printed.

Mr. BROOMALL, from the Committee on Accounts, made the following

REPORT.

The Committee on Accounts, who were directed by a resolution of the House, July 15, 1868, to inquire into and report the disbursement of the contingent fund of the House of Representatives for the years 1867 and 1868, make report :

That they have investigated the matters committed to them, and that the result is contained in the following tables, showing all the disbursements of public moneys on account of the House for the years 1864, 1865, 1866, 1867, and 1868 :

A.

Statement of annual expenditures of contingent fund of the House of Representatives, 1864, 1865, 1866, 1867, and half of 1868.

Object.	1864.	1865.	1866.	1867.	1868.
	From Jan. 1 to Dec. 31.	From Jan. 1 to Dec. 31.	From Jan. 1 to Dec. 31.	From Jan. 1 to Dec. 31.	From Jan. 1 to July 1.
Cartage	\$500 00	\$3, 490 75	\$1, 503 50	\$3, 999 50	\$283 75
Congressional Globe and Appendix, twenty-four copies to each member and delegate of the House of Representatives.....	28, 536 00	14, 394 72	48, 333 98	52, 845 59	29, 256 00
Clerks to committees, temporary clerks, &c.	8, 832 38	13, 938 17	26, 408 95	24, 967 62	20, 279 95
Folding documents, including materials.....	80, 193 00	36, 766 50	74, 085 17	89, 864 95	78, 971 36
Fuel and lights, including plumbing, gas-fitting, repairs, and materials.....	22, 397 98	24, 765 79	22, 142 46	*17, 101 79	5, 253 66
Furniture, repairs, and packing-boxes for members.....	15, 223 79	20, 452 06	29, 560 26	43, 851 23	10, 572 53
Horses, carriages, and saddle-horses	9, 083 50	7, 233 00	8, 805 00	8, 733 00	2, 684 50
Laborers	8, 058 60	11, 075 20	10, 531 76	11, 357 16	9, 056 88
Miscellaneous items.....	72, 249 72	88, 125 96	55, 747 26	†96, 249 15	42, 811 86
Newspapers	9, 537 74	10, 305 54	9, 463 87	‡25, 142 71	6, 112 75
Pages and temporary mail boys.....	12, 577 00	7, 314 00	13, 959 87	11, 535 30	12, 632 46
Reporting and printing debates in the Daily Globe	18, 991 35	8, 004 64	23, 148 48	14, 295 96	22, 096 30
Stationery	24, 312 85	20, 263 97	34, 382 05	‡55, 484 63	15, 721 02
Congressional Globe and Appendix, in full sets	48, 043 68	12, 678 73	36, 720 00	24, 800 00	5, 720 00

* Exclusive of pay of engineers and firemen.

† Includes, besides ordinary objects of expenditure, investigating committees and pay of contestants.

‡ Three sessions and three allowances for newspapers and stationery.

B.

Statement of annual expenditures of salary fund for 1864, 1865, 1866, 1867, and half of 1868.

Object.	1864.	1865.	1866.	1867.	1868.
	From Jan. 1 to Dec. 31.	From Jan. 1 to Dec. 31.	From Jan. 1 to Dec. 31.	From Jan. 1 to Dec. 31.	From Jan. 1 to July 1.
Compensation of the officers, clerks, messengers, and others receiving an annual salary	\$104,062 99	\$109,219 67	\$119,078 18	*\$129,963 42	*\$67,353 30
Capitol police				†15,891 61	16,080 07
Additional pay under the eighteenth section act of July 28, 1866			74,488 10	25,358 39	86 13
Uniforms for Capitol police.....				2,055 00	

* Including pay of engineers and firemen. † Second six months.

These tables are taken from the records of the Clerk's office, and as the accounts of the Clerk, up to a very recent date, have been passed upon and approved by the proper officers of the Treasury Department, the tables may be relied upon, for the years prior to 1868, as absolutely correct, and for the year 1868 as equally so, subject to whatever error may be discovered in the accounts not yet reached. This element of uncertainty for the year 1868 must be very small, since among the thousands of accounts sent annually to the Treasury Department for revision the discovery of any error whatever is of rare occurrence.

These tables would seem to constitute a full compliance with the order of the House, and the committee might leave the subject here but for some matters which came to their knowledge during the investigation, and which, being connected with the subject-matter, the committee deem proper to be presented to the House.

It came to the knowledge of the committee that one W. J. Manker, who had been in the Doorkeeper's department, knew, or professed to know, some violations of law in the disbursement of the contingent fund. The committee accordingly summoned and examined Mr. Manker, and his testimony, with that of some other witnesses, accompanies this report. It appears from the testimony of Mr. Manker that he held the position of messenger under the Doorkeeper from about March 4, 1867, to July 1, instant. That about the commencement of the present session he had some disagreement with Mr. Edward Spicer, superintendent of the folding-room, about some money, \$150, which the witness alleged to be due him, the particulars of which will appear in a subsequent part of this report.

Being unable to get the money, Mr. Manker, as he tells us, set about to discover irregularities in the management of the Doorkeeper's department. He believed there were frauds there, and he confesses his intention was to possess himself of sufficient facts to put the Doorkeeper in his power, and thereby compel him to pay the money.

Mr. Manker's investigations were conducted with profound secrecy, and continued from early in last winter up to about the last of June. His success in the Doorkeeper's department stimulated him to further inquiries, and he attacked the departments of the Clerk, Sergeant-at-arms, and Postmaster, in all of which he discovered, or thought he discovered, gigantic iniquities. The result of this investigation appears in a printed pamphlet of 38 pages which he produced before the committee, and a copy of which accompanies this report.

According to his own testimony, when he had prepared himself with what he deemed the evidence of fraud contained in the book, he communicated with several of the republican representatives from his own State, Indiana, and the result was that some time in the present month an interview took place between himself and Mr. Hunter, Messrs. Coburn and Shanks being present. He seems to have impressed these gentlemen with the opinion that he had been injured, and, according to his account of the interview, they were disposed to see him righted if that would end his quarrel with the Doorkeeper and reconcile him to Mr. Coburn, at whose instance he was first appointed, and whom he accused of neglecting his complaints. He says his investigations and book cost him \$200, and that he asked \$350 to suppress the book. One of the gentlemen remarked that the transaction looked like black-mailing, whereupon the witness became greatly incensed and refused to treat further.

It is proper to state that Messrs. Hunter, Coburn, and Shanks, in their testimony, deny all intention and all propositions to purchase the book, their object being simply to befriend Mr. Manker and end his quarrel. Before this interview, according to his testimony, he had opened negotiations with the national democratic committee, through Mr. Niblack, a democratic representative from his own State, and soon afterward succeeded in selling his book to that committee, to be used as a campaign document, for a consideration which, to use his own language, "was better to him than to remain in the Doorkeeper's department and receive a year's salary." That salary, he tells us, is \$1,440.

It is proper to state that Mr. Manker tells us the book is to be modified to some extent in the hands of the democratic committee, but he left the impression that the proposed modifications were not important. The book, as reported, may therefore be considered substantially as it will be given to the world. It bears upon its title-page the inviting announcement, "The ventilation of the Radical House of Representatives, showing the most infamous system of swindling that can be found in this or any other country."

As the misrepresentations are gross, and as some of them may be believed by the country, the committee have deemed it proper to examine and report, from undoubted official sources, the facts so attempted to be perverted. The committee owe an apology to the House for noticing such a publication. A book gotten up for the purpose of frightening the republicans into the payment of money to suppress it, or, in default of that, to sell to the democrats for use in the coming campaign, might be well expected to be made to answer its twofold purpose if the writer had sufficient ingenuity to do it; but where the truth can be so readily got at it is well that the House and the country should be put in possession of it.

The committee find the table on pages 4 and 5, showing the expenses of the House for the fiscal years ending June 30, 1864, 1865, 1866, 1867, and 1868, more nearly correct than anything else in the book, but it duplicates the item of \$100,000. This was additional compensation to employes voted in 1863, and is embraced within the amounts ascribed to the years following that date. Hence this sum has no business in the table.

The actual expenses of these various years appear on the books of the Clerk's office, and are as follows :

In the year ending June 30—

1864.....	\$328,384 26
1855.....	431,884 00
1866.....	462,418 96
1867.....	464,810 98
1868.....	685,281 28
	2,522,679 48

The figures in the book for 1868, the witness admits in his testimony, were partially estimated. This accounts for their being \$40,000 too much. The trifling aggregate error in Mr. Manker's table of \$140,000 may not lessen the value of the book in the estimation of the purchasers, but it is worth noticing. The increase of 1868 over 1864 is accounted for by the 20-per cent. increase of compensation of officers, clerks, and employés, by the enlargement of the Capitol police, by the increased size and expense of the Globe, growing out of the frequent and long sessions of Congress, by the creation of additional committees, and the increase of committee clerks, consequent upon the enormous increase of legislative business, by the number of investigating committees and contested seats, by the repair and refurnishing of the various rooms in the Capitol, all of which was neglected during the war, and by the general increase of documents, the additional allowances for and consumption of stationery and newspapers, consequent upon the repeated convenings of Congress.

These expenses were necessarily incidental to the enforced antagonistic position of the legislative body towards the Executive, and they could not have been avoided without infidelity to the highest duties. In the stationery statement (page 6) there are serious mistakes. The table giving the stationery for 1868—which must have been meant for 1867, for that of 1868 cannot be ascertained until the end of the year—states it at \$77,500, and the commutation of stationery at \$22,150 is added by Manker, making a total of \$99,650. The stationery for 1864 is placed at \$36,600, and the commutation \$2,000, making a total of \$38,600.

This, according to Manker, shows an excess for 1867 over 1864 of \$61,050.

The books of the disbursing officer of the Clerk's office show the entire expenditure under each appropriation in each year. From them we get the entire amount of stationery and commutation drawn by members for the years named, as follows :

For—	Total amount paid both for stationery and commutation.	Amount of commu- tation allowed.
1864.....	\$24,312 85	\$4,633 74
1865.....	20,263 97	2,927 43
1866.....	34,382 05	9,264 40
1867.....	55,484 63	18,994 26
1868 (six months).....	15,721 02	3,081 83

From this we find that the whole amount of stationery and commutation for 1867 was \$55,484 66, instead of \$99,650, as alleged in the book, and that the increase over 1864 was \$31,171 78, instead of \$61,050, as alleged by Mr. Manker. It must be borne in mind that in 1867 there were three distinct sessions of Congress, and therefore three allowances of stationery to members, whereas in 1864 there was but one session and but one allowance. Most of the actual excess was owing to this fact.

These official facts entirely destroy the assertions of the book, and make ridiculous its attempts to account for imaginary excesses by imagining every form of extravagance. The difference between the facts and the book is, doubtless, owing to the circumstance that the latter was made to sell and the former not. The stationery alone without the commutation for 1864 was \$19,679 11, and that for 1867, \$36,490 37. Out of this latter sum the members were supplied upon

their orders, the various offices of the Clerk's department, that of the Sergeant-at-arms, the Doorkeeper, and Postmaster were supplied. The wrapping-paper for folding hundreds of thousands of documents for distribution among the people was furnished and a surplus left over of \$8,914 92 with which to begin the year 1868. On page 11 it is alleged that the purchases of stationery for 1867 amounted to \$85,000, and the commutation for stationery drawn by members \$20,000, making a total of \$105,000; whereas the fact is, and the records of the House show it, that the entire purchases of stationery for that year were but \$36,490 37, and the commutation \$18,994 16, making a total of \$55,484 63, a little over half the alleged figures.

When we consider the discrepancy between the facts and the allegations, it is plain that some ingenuity must have been exercised to render the book valuable in the market for which it was intended.

On page 21 a comparison is instituted between 1868 and 1864 in the matter of horses and carriage hire and cartage, by which there is assigned to 1868 the sum of \$14,213, and to 1864 \$6,594, making an increase in the four years of \$7,619. A reference to the Clerk's books shows that the following sums were expended for horses and carriage hire and cartage during the following years :

1863	\$8,419 00
1864	9,583 50
1865	10,723 75
1866	10,308 50
1867	12,732 50
1868 (six months of)	2,968 25

It will be seen that the book gives the alleged expenses for the years ending June 30, 1864 and 1868, respectively, while the records of the Clerk's office give us the expenditure during each year from January 1 to December 31. Hence an exact comparison cannot be instituted, but the figures in the table enable us to say with certainty that those in the book are false.

In these several sums are included the allowances for keeping horses for the public service by the Clerk, Sergeant-at-arms, and Doorkeeper. The number of these horses has been steadily the same for more than eight years, so that the expense could not greatly increase since 1864. On one occasion since that date the allowance in this particular was increased in consequence of the increased cost of keeping horses. The actual difference between 1864 and 1868 is thus accounted for.

On page 24 of the book appears a table, the contents of which are worthy the attention of authors who get up statistics at will to prove what they desire. It professes to give the expense of furnishing horses, carriages, cartage, &c, to the various officers of the House, with incidental expenses for the year ending June 30, 1868, making the total \$34,653. Among the items appears one of forage for horses, ("estimated,") \$15,000. As this forage is purchased by the officers and paid for by them out of the allowance made to them, (heretofore alluded to,) it is difficult to see why that sum figures in the expenses of the House. But supposing his estimate of the cost of forage to be correct, \$15,000, and his statement of the allowance made to officers in the whole business to be as he states it, \$14,213, the keeping of horses for the transaction of public business would not seem to be very profitable, since the cost of keeping them exceeds by \$787 per annum the entire sum allowed the officers for horses, carriage hire, and cartage. In a succeeding table on the same page a like ingenuity is exhibited. The chief clerk is alleged to have received \$2,523 allowance for three horses and carriages, to which is added \$3,750 for forage, under the false assumption that this is paid for by the government. If the cost of keeping these horses to Mr. Lloyd is really \$3,750 per annum, he will hardly get rich out of \$2,523 allowed him by the House for keeping them.

The same remarks will apply to the item of \$5,000 in the table on page 26,

in the alleged expenses of the Postmaster's department. In addition to that there must be some other serious blunder in this table. It makes the cost of the mail service during the fiscal year ending June 30, 1868, including the salary of the Postmaster and his subordinates, \$32,338 50, whereas the entire appropriation for that year for the whole matter was but \$12,730 50.

The charges made in the book against the Sergeant-at-arms consist almost altogether of those investigated by the committee in the early part of this session, and the report in that case is referred to as a full answer to them. It is sufficient to say, in short, that after full investigation the committee ascertained the amounts awarded him since the commencement of the thirty-ninth Congress to be in strict accordance with law and precedent.

Taking a single case complained of by Manker, (that of the New Orleans investigation,) the Sergeant-at-arms is charged truly with having received \$2,392 40 for summoning 301 witnesses—this is \$7 94 each. During the last democratic Congress—the thirty-fifth—the Sergeant-at-arms charged and received in the Fort Snelling investigation \$4,408 for summoning 48 witnesses, making \$100 17 each. Other comparisons between 1867 and 1858 show similar results. The parties who have purchased the book will hardly profit by contrasting the thirty-fifth and thirty-ninth Congresses.

The charge against the Clerk of having a person on his roll who was never in Washington has about as little real truth in it as the other principal charges in the book. No such person has been upon the roll since this committee was organized. It is said that some time in 1867, during the recess, the Clerk, being at his home and having his business correspondence, which is large, sent there, procured assistance there instead of taking it from Washington. This was approved by the Committee of Accounts, and, as no additional expense to the government was thereby incurred, we see no reason to complain of it now.

The case of Anna E. Ward, complained of in the book, was examined by the Committee on Accounts some time since. She is the widow of a soldier who held the office until his death, which resulted from wounds received in the service; his widow was left destitute and was appointed to succeed him. She procures the services to be performed by another person, who draws no pay from the government. This is not strictly regular, but the government is not the loser. The services are performed and the salary is paid, and it is an unfeeling act to strike at the pittance of a soldier's widow. If the House wants her discharged, it must not ask this committee to make the order.

There seems to be no specific charge against the Doorkeeper, except the refusal to pay Mr. Manker his full salary while absent from his post. This is treated of elsewhere.

The charge that the Postmaster is interested in the contract for cartage made by himself is proven to be wholly without foundation. S. H. Dunham, so far from being a myth, is a citizen of the State of New York, who, becoming tired of his contract, left Washington, after bargaining with other parties to carry it out.

The charge that these officers are keeping their horses at the public expense is untrue. No charge for forage for horses appears anywhere against the government.

The controversy between the witness Manker and the Doorkeeper, according to his own testimony, is this: About the adjournment of the March session of the fortieth Congress a resolution was passed directing the Doorkeeper to retain his assistants and employes upon the roll. There were services to be performed which would require some time, and an adjourned session was to be held in July following. After the adjournment the witness desired to be absent during the recess. He was told by Mr. Spicer that he could do so upon paying out of his salary such sum as would be necessary to procure a substitute. He assented to this, and remained away from that time until November, except during the July

session. His entire period of absence was about six months. During this time he received his full pay—a little over \$700—though he performed no services whatever, and paid Mr. Spicer out of it \$150 for procuring a substitute. He further states that on his return to Washington, in November, he discovered that no substitute had ever been employed, and he demanded of Mr. Spicer the money he had paid. He also states that there were 14 subordinates of the Doorkeeper besides himself who obtained leave of absence under a similar arrangement, and that the aggregate amount paid to Mr. Spicer, including his own, was \$1,950.

The testimony of Mr. Spicer admits the receipt of that amount of money, and alleges it to have been all paid over by him in good faith to substitutes procured for the absent parties.

A practice such as this the committee conceive to be liable to great abuses, and they recommend its entire discontinuance. As the Doorkeeper himself concurs in this opinion it will be unnecessary to notice this subject further. The practice is of long standing, and is one of the legacies left by Congresses prior to 1861 to their successors.

Upon the merits of the controversy the committee by no means agree with Mr. Manker. Even assuming his statement of the facts to be correct, it is difficult to see how he can be entitled to the money.

If Mr. Spicer, the representative of the Doorkeeper, and, therefore, of the House, procured service, which Mr. Manker had undertaken to perform, for a less sum than that allowed by the House, the difference properly belongs to the funds of the House. Indeed, Mr. Manker himself appears to have received more money than he was entitled to. Justice between him and the government requires that he should refund the remainder of his \$700, he having been absent from his post during the period for which it was paid him, and having rendered no services whatever.

If Mr. Manker really desired to correct abuses, it is difficult to see why he did not apply to this committee. He made a written statement of his grievances, as he says, to the Speaker of the House, whose letter is appended to the testimony, and who very properly referred his friends to the Committee on Accounts. Possibly Mr. Manker knew that though this might result in getting the money paid over to the government, yet it would not benefit him.

It is not to be denied that the expenses of legislation are greater than they should be. This is owing to a number of abuses which the party now in power in Congress found in full vigor at their accession. Many of these have been already remedied. Scarcely a recent session of Congress has passed without laying the axe at the root of some old mischief.

The expenses of investigating committees have been systematized and greatly lessened. During the present session of Congress a limit has been for the first time placed upon the stationery allowed to senators. Great abuses and extravagances existed in this particular prior to 1861, and to some extent up to the recent enactment. A variety of old abuses in furnishing the hall and the committee rooms, the details of which would swell this report unnecessarily, have been remedied by the 38th, 39th, and 40th Congresses. Many evils still exist, and the committee take this occasion to recommend still further reforms; but vague, monstrous, and incredible charges of fraud discourage investigation, and prevent the correction of actual abuses.

The books of the Postmaster show an extravagance in the furnishing of stationery to the various committees, and the mode by which members are supplied appears wasteful and liable to abuse. Until recently no account was required to be rendered by law of the stationery delivered to the Postmaster for the members. During the present Congress such a law has been enacted, and unless the system be changed it will be difficult to prevent serious loss annually to the Postmaster. The committee therefore recommend the passage of the accompanying resolutions upon that subject.

The number of officers and employés of the House is unnecessarily large. But as the reorganization of the House in this respect is now in the hands of another committee, it is hoped a proper remedy will be applied. It may be said, however, that even this has yielded to some extent to recent reform. In the 35th Congress the number was 257. Now, notwithstanding the immense increase of legislative business, and the consequent greater necessity for clerks and employés, the number is but 221.

The old mischief of voting increased compensation to officers, clerks, and employés usually just at the close of the session, has yielded to a similar partial reform.

In the 35th Congress, at its second session, as appears by Miscellaneous Document, page 148-154, the amount voted and paid was \$45,862 40 in gold, while during the entire period since January 1, 1867, and up to the present time, the amount paid was only \$25,444 52 in currency, as appears by table B, appended to this report.

The officers and employés of the House should be adequately paid by regular salaries, and the number should be limited to that sufficient to perform the duties thoroughly.

The attention of the committee has been called to some other matters requiring reformation. The two folding departments need consolidating and reorganizing. The manner in which horses, carriages, and cartage are supplied for the public service needs revising, and some further changes ought to be made in the manner of furnishing the hall and committee rooms. The committee therefore request power to continue the investigation during the recess and report finally at the next session of Congress.

All of which is respectfully submitted :

J. M. BROOMALL, *Chairman.*

The committee report the following resolutions :

Resolved, &c., That the Clerk be, and he is hereby, authorized, as the agent of the House in this behalf, to purchase, in the manner provided by law, on the best terms he may find practicable, such stationery as may be requisite for the use of the House and Clerk's office, giving preference in all cases to American manufacture, provided it be equally cheap and of as good quality ; that he cause to be recorded in a well-bound book, suited to that purpose, the bills and invoices of all the stationery he may so purchase from time to time ; that he deliver to the members of Congress and officers hereinafter named the amounts of stationery hereinafter specified, keeping an accurate account of the same, and also of the quantity and value of that used in the Clerk's office, and that hereafter, in the annual reports now required by law to be made by the Clerk, showing the amount of expenditure from the contingent fund of the House, he be required to state, accurately and distinctly, the quantity and cost of all the stationery delivered pursuant to the provisions hereof, and that used in the Clerk's office ; also the amount remaining on hand at the time of making such statement, and the amount of unexpended appropriation for stationery : *Provided,* That the amount furnished to members of Congress may be embraced in a single item.

Resolved, That the Clerk be, and he is hereby, required to deliver to every member of the House the usual articles of stationery now furnished to members to an amount not exceeding in value that authorized by law, at the cost price, in the stationery room, or at the option of the members, to pay them the proper commutation in money ; that he keep a true and accurate account of all stationery which he may so deliver to the several members of the House ; and if in any case a member shall receive a greater amount of stationery during any session than is above provided, the Clerk shall, before the close of such session, furnish to the Sergeant-at-arms an account of such excess beyond the amounts above specified, who is hereby required to deduct the amount of such excess from the pay and mileage of such member, and refund the same into the treasury : *Provided,* That this limitation is not intended to be made applicable to the use of wrapping-paper and envelopes which may be required in the folding-room.

Resolved, That the Clerk be, and he is hereby, authorized and required to deliver to every chairman of the committees of the House for the use of such committees, and to the Postmaster, Sergeant-at-arms, and Doorkeeper, for the use of their respective offices at every session of Congress, similar articles of stationery, not exceeding in value an amount which from time to time shall be fixed upon by the Committee on Accounts, and approved by the Speaker.

VIEWS OF THE MINORITY.

Mr. McCULLOUGH, from the committee, submitted the following as the views of the minority :

The short time which has elapsed since the passage of the resolution has not given to the committee that time for the investigation of the important matters demanded by it which its importance required. The committee has examined but few witnesses, and the efforts of the majority of the committee, as the testimony submitted with the majority report will disclose, appeared to be directed to ascertain who prepared and had published a pamphlet bearing the title of "The Ventilator," instead of investigating into the disbursement of the contingent fund of the House, as required by said resolution.

The ostensible author, and, as I believe, the true author of said pamphlet, W. J. Manker, was examined by the committee, and his testimony will show that the great effort of the majority of the committee was to ascertain who, if any one, assisted him in preparing and having published the said pamphlet. The object of the mover of the resolution was to ascertain and have reported to the House whether there had been any frauds committed upon the government by any one connected with the disbursement of the contingent fund of the House, and not who was the author of "The Ventilator." The tax-payers of the country have more interest in the honest disbursement of the finances of the government than in the authorship of this or any other pamphlet.

As a copy of "The Ventilator" has been reported to the House with the evidence and majority report, and as the majority report attempts to ventilate "The Ventilator," the undersigned feels it due to the author of this pamphlet to state that he, the author, charges that the copy so reported was never corrected, and was obtained from the person in whose hands it was placed for correction without his knowledge or consent. Some of the errors commented on by the majority report, the author informed me, were mistakes, and that he had corrected them in the copy he had prepared for publication. I therefore submit that it is not fair for the committee to obtain a copy of this pamphlet before it is corrected, and take up errors admitted to be such by the author, and make these admitted errors and mistakes the subject of a report to this house.

I contend, however, that the principal charges contained in this pamphlet, to wit, the extravagance and profligacy of the republican party, now having control of every department in and around the Capitol, are fully sustained.

To analyze all the charges of extravagance (I use the mildest term) contained in this pamphlet would make this report too long, and I shall content myself with referring to a few of the many charges which I believe are fully sustained by the testimony, and which have not been contradicted or explained, and leave the intelligent reader to form an opinion from the perusal of the pamphlet, which is now before the House.

The first charge to which I call attention is in regard to the fees paid the Sergeant-at-arms of the House for mileage and other expenses, and which is not denied or contradicted. I make no charge against this officer that he has charged or received more than he is entitled to by law, but I call the attention of the House and country to the fact, uncontradicted or denied, that this officer has charged and received mileage for travelling nearly two hundred thousand miles, to show the extravagance of the party now in power in this House.

This extravagance is caused mainly by the numerous travelling and other committees raised by this Congress—in many instances for partisan purposes—and some of them have made no report to this day, although enormous sums of money have been expended by these committees. The mileage of the Sergeant-at-arms is but a small item of the expenses incident to these committees. The

accounts will show large sums of money paid to the chairmen of some of these committees, without stating for what purpose, and for money paid detectives.

I respectfully suggest that this is an outrage on the tax-payers of the country which should be corrected.

The second charge to which I call attention is the contract made, or professed to have been made, with a man by the name of Dunham, for carrying the mails and hauling documents. It is charged in "The Ventilator" that Dunham is a myth, and that the real contractors are Messrs. King, the Postmaster, and Stephens in the post office; and that the horses used for carrying the mails and hauling documents are fed at the government stables and at the government expense. The last part of this charge is not sustained by the proof. The testimony shows that the contractor or contractors purchase the feed and feed the horses. The testimony in regard to the contractor is not so clear. The evidence shows that a contract was made with Mr. Dunham by Mr. King; that he (Dunham) remained in Washington but a few days after making the contract, and has never been here since; that the pay for the mail and document service is drawn by the employés in the post office upon Dunham's order, but no money has ever been paid to Dunham; and I have been unable to find any witness who could or would inform the committee who was the real contractor for this service. So far as the performance of the mail service and receiving the money for that service is concerned, Dunham is a myth. In connection with this mail and document service there is an evil which should be corrected at once. The evidence taken by the committee shows that the contractor receives for hauling documents 50 cents per load, and that if the contractor calls at a member's room and takes to the post office a half dozen of documents, he charges and receives pay for one load. This accounts for the large number of loads, 10,569, costing the government \$5,284 50, which the last report of the Clerk of the House shows the contractor has charged and been paid for.

This does not include the hauling for the Clerk's office, 1,821 loads, at a cost of \$910 50. The above charges do not include any of the services for 1868, but for 1867 alone.

I respectfully recommend that this evil be forthwith corrected, and that this mail and document service should be let by contract, as other mail services are, to the lowest bidder at a certain and stipulated price.

In investigating this mail service another evil was made apparent to my mind, and should be at once corrected. It appears, from the evidence taken by the committee, that the government owns stables in the city, known as the congressional or government stables. These stables are built on government property by the government, and kept in repair at the government expense. A man on the pay-rolls of the House, and paid by the government, does nothing but attend to these stables; that there are now four horses under his charge, two belonging to members of Congress, and the other two to officers of this house. I recommend that these stables be forthwith sold or rented, and the superintendent dismissed or assigned to other duties.

The charge made by Mr. Manker in "The Ventilator," that he paid out of his salary to Mr. Spicer, the superintendent of the folding-room, \$150, and that other employés, some fourteen in all, paid to Mr. Spicer sums in the aggregate amounting to \$1,950, is not denied by Mr. Spicer; but he testified before the committee that he paid all this amount to substitutes employed by him to perform the work which Mr. Manker and the other persons who contributed the money should have performed. He gave to the committee the names of four persons who he said he employed as substitutes, they being all he could recollect. The committee could find but one of these four, a Mr. Hull. Mr. Hull testified that Mr. Spicer paid him about \$300 out of his own money, but he, Hull, was not aware that he received the money as a substitute for doing the work of any other person or persons until in July, 1867.

Mr. Robert A. McPherson, an employé in the folding-room, testified, in connection with this matter, that he saw a few persons in the folding-room during the recess of Congress between March and July, 1867, who were represented to be substitutes, but that there were none there during the second recess in 1867. He, however, testified that some who were employed as substitutes were in the Executive Committee room of the republican party, and that he saw them there sending off political documents.

The testimony taken by the committee shows that there were, during the two recesses of Congress in 1867, as many employés in the folding-room as there were during the sessions of the House, and that the work to be done in the folding-room was no greater, if as great, during the recesses as when the House was in session, and that the doorkeepers of the House performed no duties in the folding-room during the sessions of Congress. The question then arises, for what purpose were these doorkeepers retained on duty by a resolution of the House, or these substitutes employed during the recesses of Congress?

It is clear to my mind that it was an improper appropriation of the public money to retain these extra employés when there was nothing for them to do, unless to perform duties in the Executive Committee room of the republican party sending off partisan documents.

I leave to the House to say whether this was an honest and proper disbursement of the contingent fund of the House.

This is but one of the many items of improper expenditure of the public money which the republican party is responsible for, and it is not surprising that the expenses of the House of Representatives have so greatly increased from year to year under republican rule. The excuse for these increased expenditures contained in the report of the majority of the committee, that it is owing to the extra sessions of Congress and the disagreement between the Executive and Congress, will not shield the party in power from the indignation of an outraged, tax-ridden people.

Who voted for these extra sessions of Congress? and who brought about the collision between Congress and the President? Not the democratic party.

There is now before the Committee on Accounts a bill of the Sergeant-at-arms for expenses incurred in connection with the imprisonment of Mr. Woolley, amounting to several hundred dollars. This bill, I presume, will be paid. In my opinion it ought to be paid, for the expenses were incurred by order of the House of Representatives. I wish I had a copy of this bill to accompany this report, to show how the contingent fund of the House is disbursed. In this bill there is no charge for the services of detectives, but there is a charge for the services of an expert to ascertain whether Miss Vinnie Ream could be ejected from her studio and Mr. Woolley inducted therein, without detriment to the public service. The bill is a curiosity, but incurred, I presume, by order of the House of Representatives, and the Sergeant-at-arms must be reimbursed his expenses.

The resolution under which the investigation has taken place contains a novel provision. I allude to the last part of it, which authorizes the committee "to send for persons and papers when the same can be done without expense to the government." Hundreds of thousands of dollars have been expended within the last few years by investigating committees in pursuance of resolutions of this house. Persons and papers from every section of the country have been brought before these committees. These committees have visited remote parts of the Union, with the Sergeant-at-arms or his deputies, clerks, stenographers, and detectives, at enormous expense to the government; and now, when alleged frauds are charged growing out of these investigating committees, no witness is to be called by the Committee on Accounts who cannot be made to attend without expense to the government. The committee has no right to ask the Sergeant-at-arms to serve a subpoena upon a witness, or to ask a witness to

attend and testify, without compensation, and this provision in the resolution makes the whole investigation a farce.

When a charge is made that the contingent fund of the House of Representatives has been improperly or illegally disbursed, the Committee on Accounts, in my opinion, are, to a certain extent, implicated, and I hold that that committee is not a proper committee to investigate that charge. It is like a member charged with corruption or fraud asking for a committee to investigate that charge and being appointed its chairman, to report on his own case. As the charges of an improper disbursement of the contingent fund of the House, in which the Committee on Accounts is implicated, have not been fully investigated, not only for the want of time, but because the committee had no power to compel the attendance of witnesses, I, as a member of that committee, ask, as an act of justice to myself and colleagues, that a committee be raised by this house, with power to send for persons and papers, to investigate the disbursement of the contingent fund of the House, and that no member of the Committee on Accounts be appointed on said committee. I want full power given to the committee to compel the attendance of witnesses, and want a witness to have no pretext for not attending because his expenses are not paid.

H. McCULLOUGH.

